

Application No: 22/01122/FUL

Author: Julia Dawson

Date valid: 23 June 2022

☎: 0191 643 6314

Target decision date: 22 September 2022

Ward: Northumberland

Application type: full planning application

Location: Land at Centurion Park, Rheydt Avenue, Wallsend, Tyne and Wear

Proposal: Full planning application for the erection of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure

Applicant: Bellway Homes (North East)

Agent: Pegasus Group

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 a financial contribution for the following:
 - Affordable housing provision
 - Allotments £21,600.00
 - Ecology and Biodiversity £41,925.00
 - Parks and Greenspace £114,421.00
 - Built Sports Facilities £186,932.00
 - Play/Multi Use Games Area £150,500.00
 - Playing Pitches £162,219.00
 - Primary Education £65,000.00
 - Coastal mitigation £32,465.00
 - Employment and Training £49,000.00
 - Highways £50,000.00
 - Travel Plan Bond £100,000

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 This planning application was originally presented to planning committee on 17th January 2023 where Members were minded to grant permission subject to conditions and a S106 agreement. However, following the committee meeting, a further representation was submitted on behalf of Wallsend Boys Club. This raised a number of issues which are set out within paragraph 1.9 of the Consultations/Representations section of this report. Having reviewed these issues, it was considered appropriate to bring the application back to committee for re-consideration. This report has been updated/amended where necessary and the applicant has submitted an Addendum to the Open Space Assessment and a Planning Note.

Main Issues

1.2 The main issues in this case are;

- The principle of the loss of open space and the proposed residential development;
- The impact upon amenity;
- The impact on character and appearance/design and layout;
- The impact on ecology and trees; and
- The impact on the highway.

1.3 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 relates to the Centurion Park Golf Club in Wallsend and comprises approximately 9.6ha of land. A public footpath runs along the northern boundary of the site, beyond which is the Golf Course. Benfield School and associated playing fields are located to the west of the site and beyond the south boundary are the playing fields and car park of Kirkley Park (Wallsend Boys Club). The Golf Course also extends beyond the eastern boundary of the site.

2.2 The Club House, shop and car park are located within the northern part of the application site, adjacent to an area of hardstanding and the Golf Club's driving range. An artificial grass pitch, three multi use games areas (all now disused and derelict) and former playing field are located within the southern part of the application site. A bowling green is also located within the southern part of the site, this is to be retained as part of the proposed development.

2.3 The site is located to the north west of Wallsend town centre. The boundary between Newcastle City and North Tyneside lies to the west/south west of the site. The A1058 Coast Road lies to the north, beyond the Golf Course. Residential properties are located beyond the Golf Course to the east on West Street. Further to the south east of the application site, also beyond the Golf Course, lies Western Community Primary School which has vehicular access off Rutland Road. There are residential properties in Rutland Road to the south east, and Rutland Road gives access to Rheydt Avenue from which the existing

golf clubhouse and Wallsend Boys Club are accessed. The East Coast mainline railway line runs to the west of the existing Golf Course site.

2.3 The (Wallsend Golf Course, Wallsend, Tyne and Wear) Tree Preservation Order, No.2, 2010 covers some of the trees on the site.

2.3 The application site is located within an area of designated Open Space and a Wildlife Corridor (Local Plan 2017). Reflecting its former use it is also identified within the Council's Green Space Strategy as an Outdoor Sports Facility (Wallsend Sports Centre & Wallsend Golf Course).

2.0 Description of the Proposed Development

2.1 The proposal relates to the construction of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure. The proposed development will consist of 62no. two bed dwellings, 50no. three bed dwellings, 87no. four bed dwellings and 16no. five bed dwellings. Six of the two bed dwellings will be bungalows, the rest of the dwellings will be two storey. Vehicular access is to be provided from Rheydt Avenue, which is to be upgraded to adoptable standard.

3.0 Relevant Planning History

01/02454/OUT- Demolition of Wallsend Sports Centre redevelopment of site associated playing fields part of golf course for residential purposes new golf clubhouse, new access to highway, alteration of existing access to highway – Withdrawn

08/02049/FUL - Proposed internal alterations and extension to the rear of the existing golf club. Extension to the driving range and alter the car park and immediate surrounding landscaping. Description amended 27.11.2008 to include closure and diversion of footpath and new additional path through site. Car park layout amended and additional information received 20.03.2009 relating to footpath diversion and new planting on site - Approved 09.04.09

09/03178/FUL - Erection of new hotel and sports injury rehabilitation clinic. Refurbishment of former sports centre including external alteration a new squash court and bar/dining facilities. Proposed 6no all weather pitches, 3no tennis courts, par 3 golf course, adventure course and batting cage. Relocation of groundsman compound. Amended car parking layout to include additional parking. Supplementary information and amended plans received due to repositioning of hotel building – Approved 19.10.11

Land to north and north east:

20/01181/FUL - Construction of a driving range with associated parking, including ancillary sports bar/restaurant, pro shop, golf academy, golf club changing facilities, and function rooms, creation of a new vehicular access and reconfiguration of Wallsend Golf Course – Approved 16.03.2021

Wallsend Boys Club:

17/00194/FUL - Proposed extension to existing boys club, comprising of a first floor extension to the existing facilities to provide meeting spaces, offices and

events areas. Erection of new indoor pitch and new external 4G pitch to replace the existing large pitch – Approved 16.06.2017

22/01659/FUL - Variation of condition 1 (approved plans) of planning approval 17/00194/FUL in order to install pitched roof in lieu of flat roof, solar panel array and alterations to the external elevations. – Approved 05.12.2022

4.0 Development Plan

4.1 North Tyneside Local Plan (2017)

5.0 Government Policy

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

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

5.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. At para 11, NPPF requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Where the most important policies for determining the application are out-of-date LPAs should grant permission unless the application of policies set out in the Framework that protect areas of particular importance provides a clear reason to refuse development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In considering applications for housing, one of the circumstances in which policies are regarded as out of date is where a LPA cannot demonstrate a five-year housing land supply. At this time North Tyneside is not able to demonstrate a five-year supply of deliverable housing sites and some policies are therefore regarded as out of date.

PLANNING OFFICERS REPORT

6.0 Main Issues

6.1 The main issues in this case are;

- The principle of the proposed residential development/loss of open space;
- The impact upon amenity;
- The impact on character and appearance/design and layout;
- The impact on ecology and trees; and
- The impact on the highway.

6.2 This planning application was originally presented to planning committee on 17th January 2023 where Members were minded to grant permission subject to conditions and a S106 agreement. However, following the committee meeting, a further representation was submitted on behalf of Wallsend Boys Club. This raised a number of issues which are set out within paragraph 1.9 of the Consultations/Representations section of this report. Having reviewed these issues, it was considered appropriate to bring the application back to committee for re-consideration. This report has been updated/amended where necessary and the applicant has submitted an Addendum to the Open Space Assessment and a Planning Note.

7.0 Principle

7.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF. However, it is clear from paragraph 219 of the NPPF that, "... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)". With the exception of housing policies, the Council considers that the LP policies set out in this report are consistent with the NPPF and can be afforded significant weight.

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

7.3 Paragraph 11 of the NPPF has been referenced above (paragraph 5.3). Development plan policies important to the determination of housing applications will be regarded as out of date because, as explained, the LPA cannot currently demonstrate a five-year supply of deliverable housing sites. What is referred to as the 'tilted balance' principle means there is a presumption towards planning permission being granted unless there are adverse impacts which would significantly and demonstrably outweigh the benefits. As set out in paragraph 5.3, refusal is only justified if the application of NPPF policies which protect areas or assets of particular importance provide a clear reason to do so. This includes, among other designations, policies relating to habitat sites. In terms of the principle of development, this development requires appropriate assessment because it may impact designated habitat at the coast where there are Special Protection Areas (SPA). Paragraph 182 of the NPPF states "The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

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

7.5 Paragraph 98 of NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.

7.6 Paragraph 99 of NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

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

7.8 Strategic Policy S4.1 'Strategic Housing' sets out the broad strategy for delivering housing. It states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence-based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. 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.

7.9 Policy S5.1 'Strategic Green Infrastructure' states, 'The Council will seek the protection, enhancement, extension and creation of green infrastructure in appropriate locations within and adjoining the Borough which supports the delivery of North Tyneside's Green Infrastructure Strategy. Where deficiencies in the quality of green infrastructure and in particular types of green infrastructure are identified in relevant up-to-date evidence, improvements will be targeted to those areas accordingly.

7.10 Policy DM1.3 of the Local Plan states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

7.11 Policy DM4.5 states that proposals for residential development on sites not identified

on the Policies Map will be considered positively where they can:

- a. Make a positive contribution to the identified housing needs of the Borough;
- and,
- b. Create a, or contribute to an existing, sustainable residential community; and
- c. Be accessible to a range of sustainable transport modes; and
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and
- e. Be accommodated by, and make best use of, existing infrastructure, and where

further infrastructure requirements arise, make appropriate contribution to its provision; and

- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and,
- g. Demonstrate that they accord with the policies within this Local Plan.

7.12 Policy DM5.2 states that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or,
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or,
- d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

7.13 Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections. Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

7.14 Policy DM5.3 'Green Space Provision and Standards' states that accessible green space will be protected and enhanced to be of the highest quality and value. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy. Opportunities should be sought to improve provision for new and existing residents.

7.15 Sport England's 'Playing Fields Policy and Guidance' states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions, which are set out as follows:

1. A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

2. The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

3. The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any part of a playing field and any of its playing pitches.

4. The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

5. The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

7.16 The Council's Green Space Strategy 2015 (GSS) identifies a range of green spaces including outdoor recreational facilities. The application site comprises two separate 'Outdoor Sports Facility' sites within the GSS. The Golf Course is identified as an Outdoor Sports Facility of high quality and medium value with members only access. The existing golf facilities within the northern part of the application site are to be relocated on land to the north-east of the existing Golf Course. This relocation was approved under a separate planning application (reference 20/01181/FUL). The area to the north east corner of the application site also includes an area identified for biodiversity net gain enhancements which was required as part of application 20/01181/FUL and this will be retained. This does not form part of the current planning application.

7.17 The site of the former Wallsend Sports Centre is identified within the GSS as being of high quality and medium value with unlimited access. This part of the site consists of a bowling green and pavilion; a disused Artificial Grass Pitch (AGP); 3 disused Multi Use Games Areas (MUGAs); and vacant land which was formerly used as a playing field. This land was last used as part of Wallsend Sports Centre - the AGP has been closed since 2004/2005, the MUGAs and grass pitch to the west have not been used since circa 2000, and the cricket pitch to the east has not been used since circa 2015.

7.18 A significant number of objections have been submitted in respect of the loss of the open space from local residents and Ward Councillors. These concerns are noted. Wallsend Boys Club have also submitted a detailed objection in which they have set out how the proposed development will restrict further investment in the Club and will inhibit the pressing need for expansion of their facilities which they have stated can only be achieved through efficiencies of

the existing grounds or expansion northward using the application site. They consider this to be contrary to Local Plan policies. These objections are noted.

7.19 Firstly, with regard to the loss of the open space, the application site is designated as Open Space within the Local Plan. As such, the applicant has submitted an Open Space Assessment, along with an addendum, in which they have considered the northern and southern parts of the site separately as Parcels 'A' and 'B' respectively. The existing golf facilities within Parcel A will be replaced on land to the north east of the golf course (approved via 20/01181/FUL).

7.20 They have advised that the southern part of the site (parcel B), although currently accessible and used for dog walking etc., is of limited quality given that is not maintained and consists of derelict sporting infrastructure (i.e, the redundant MUGAs and AGP). Whilst the application site is owned by North Tyneside Council, it is subject to a long lease to Keeping Inn Limited who have full responsibility and control of the site and the wider golf course under the letting arrangement. The applicant has noted that all sporting facilities have been previously replaced to the satisfaction of Sport England, who have confirmed that they have no objection to the current application on this basis.

7.21 It is noted that whilst some elements of the open space may be of lesser quality it could be argued that the site as a whole contributes to the overall open space and green infrastructure, providing a recreational resource for the public and that it has value due to its location within a wildlife corridor. It is also acknowledged that the land has been used informally by the community for recreation and dog walking on an informal basis which demonstrates that the land is well regarded by the local community in terms of access and function and therefore still retains some value in this regard.

7.22 The applicant has set out, within the Open Space Assessment Addendum that, excluding the bowling green (which is to be retained) and the areas of derelict sports facilities, the area currently used as informal open space is approximately 4.18ha. The development proposals will result in the creation of an area of 2.3ha of new on-site open space. This will consist of areas of landscaping, habitat creation, informal mown paths and the SuDS. Some areas of landscaping, habitat creation and the SuDS do not have direct public access. However, they will provide other functions (i.e., ecological enhancements) and will act as a visual amenity.

7.23 Annex 2 of the NPPF defines open space as: *“All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”*

7.24 National Planning Policy Guidance states that open space, *“can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure (see National Planning Policy Framework paragraph 171, as*

well as being an important part of the landscape and setting of built development”.

7.25 Chapter 13 of the Green Space Strategy, ‘The Design of Green Spaces’ also sets out how green spaces can be functional and can:

- Deliver biodiversity benefit through integrated habitat areas within the space and its borders to support and allow movement of wildlife; and
- Implement, where appropriate, flood storage or sustainable urban drainage systems (SuDS) to negate flood risk issues.

7.26 As such, with reference to the above, it is not necessary that all open space needs to be publicly accessible to provide a valuable function as open space.

7.27 The loss of informal open space as a result of the proposed development amounts to 1.88ha. The applicant maintains that the proposed open space, although of lesser quantity, will be of better quality through its design and long-term maintenance.

7.28 The Council’s GSS identifies that there is a significant quantity of Green Space within the Northumberland Ward, which is all high/medium quality. Northumberland Ward has a higher-than-average quantity of and accessibility to open space when compared to the borough wide average. Policy DM5.3 states that new development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy. It is acknowledged that the GSS has not been updated since 2015, and the Local Plan came into force in 2017. As such, the applicant has noted that some open space in the ward could have been lost in this time and they have therefore undertaken a desk-based study to establish any such loss.

7.29 This study has concluded that two planning applications have been approved which have impacted the open space provision referred to in the GSS and the Local Plan; the GSS identified 0.8ha of open space associated with 14/00897/FUL (69no. dwellings at the former Parkside Special School) and the Local Plan and GSS identified 3.07ha of open space associated with 20/01181/FUL (driving range with associated parking, including ancillary sports bar/restaurant, pro shop, golf academy, golf club changing facilities, and function rooms, creation of a new vehicular access and reconfiguration of Wallsend Golf Course). As a result of these applications, 3.87ha of open space that was reported in the GSS will be lost. This means 145.27ha of open space in the Ward reported in the GSS will remain. In terms of designated open space, these applications have resulted in a loss of 3.07ha. Therefore, 149.41ha of open space designated in the Local Plan remains in the Ward. Overall, the proposed development would result in a loss of 1.26% of designated open space in the Northumberland Ward. It is also noted that new open space has been provided in the Northumberland Ward as part of the East Benton Rise development.

7.30 It is considered that the applicant’s desk-top study has provided a thorough and detailed assessment of the current open space provision within the Northumberland Ward, which it has demonstrated has not significantly changed since the GSS was introduced in 2015, or the Local Plan in 2017. Whilst the proposed development will result in a small reduction in the amount of available

open space, as set out in the GSS 2015, which is contrary to Policy DM5.3, it will provide open space of a better quality within the site for new and existing residents as required by this policy.

7.31 The Council's Biodiversity Officer and Landscape Architect have provided detailed comments in which they have raised concerns with regard to the loss of the designated open space, stating that the site currently contributes positively to the amenity of the area by providing greenery and that the open nature allows for extensive and attractive wide views, but that the proposed development will occupy a large proportion of this space. These concerns are noted.

7.32 it is also acknowledged that the proposed development does not accord with policy DM5.2 (and NPPF 99), which requires alternative provision to be, "equivalent to or better than in terms of its quantity and quality", as less quantity is being provided. However, it is considered that via the removal of the derelict sporting facilities and the provision of open space of an improved quality within the proposed development, albeit of a lesser quantity, the applicant is providing satisfactory mitigation to the community for the loss of the value of the current open space. In addition, whilst it cannot be argued that DM5.2(a) applies (that the site no longer has any value to the community in terms of access and function), it is considered that the exception set out in DM5.2(b) (that the site is not a designated wildlife site or providing important biodiversity value), does apply. The biodiversity impacts are considered further in Section 12 of this report.

7.33 With regard to the loss of the playing fields, a previous planning application for residential development at the application site (01/02454/OUT) resulted in mitigation for their loss by way of replacement facilities being provided at Churchill College between 2001-2003, as well as replacement leisure facilities at Burnside Business and Enterprise College in Wallsend. Wallsend Boys Club have objected to this point, stating that these playing fields already existed and, although possibly slightly improved, they are not an appropriate replacement of green space, but merely met demand elsewhere. Wallsend Boys Club have also questioned Sport England's consultation response.

7.34 Concerns have also been raised with regard to reliance on the Council's Playing Pitch Strategy (PPS), with it being argued that this is now out of date as it was adopted in 2013. The PPS covers the period 2013 – 2023. It is also noted that Sport England have stated that the PPS is now five years out of date and that they have urged the Council to commit to working with Sport England to undertake a new PPS for the Borough.

7.35 It is considered that the previous provision of replacement sports pitches (associated with withdrawn application 01/02454/OUT) and the fact that the application site has not been used as a playing field for over five years, are both material considerations. These are clearly an important factor in the planning history of the application site. Whilst the LPA cannot demonstrate that there is not a shortfall of playing pitches, given the status of the PPS, this does not prevent the LPA from taking into account all material considerations, giving weight to these and determining this planning application. Furthermore, at the

time the PPS was adopted in 2013, the sports facilities at the application site were no longer in use and were not included in assessing provision.

7.36 Sport England have reviewed the proposals and Wallsend Boys Club's objections and have advised that whilst the housing development did not proceed at that point in time (following the withdrawal of the planning application), the agreed playing field replacement did proceed in anticipation of the site being brought forward for development in the future. Sport England accepts that replacement playing field of sufficient quantity was created immediately south of the application site and to the west of Churchill Community College meaning that the quantitative test within playing field policy exception 4 has been met. The LPA agrees with this assessment and would reiterate that the application site has not been used as a playing field for over five years.

7.37 Whilst it is acknowledged that the application site is not allocated for housing within the Local Plan, and that it does not fully comply with local plan policies, as set out above, and thus policy DM4.5(g) in that it cannot be demonstrated that the proposals accord with the policies within this Local Plan, the Council is unable to demonstrate a five-year housing land supply and therefore, in accordance with paragraph 11 of the NPPF, the 'tilted balance' applies meaning that planning permission should be granted unless there are adverse impacts which would significantly and demonstrably outweigh its benefits.

7.38 It is Officer advice that the adverse impacts which would result from the proposed development will not significantly and demonstrably outweigh its benefits. As such, planning permission should be granted.

8.0 North Tyneside Council Housing Land Supply

8.17 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.

8.18 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 potential housing land supply from this proposal is not included in this assessment. However, the 215no. proposed dwellings would make a valuable contribution towards the borough achieving a five-year housing land supply.

9.0 Impact on Amenity

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should

mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 The NPPF states that planning should always seek to ensure that developments 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.

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

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

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

9.6 Policy DM4.9 states that to ensure that new homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, from the 1 October 2018 the following standards will apply, subject to site viability:

9.7 Accessibility of homes:

Market Housing

a. For new housing developments, excluding low-rise non-lift serviced flats, 50% of homes are to meet building regulation M4(2) – ‘Category 2 -accessible and adaptable dwellings’.

9.8 Affordable Housing

b. For all new housing developments, excluding low-rise non-lift serviced flats, 90% of homes should meet building regulation M4(2) – ‘accessible and adaptable dwellings’.

c. 10% of new homes where the local authority is responsible for allocating or nominating a person to live in that dwelling should meet building regulation M4 (3) (2) (b). When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up-to-date information on specific need in the local area. Where there is no specific need identified, then M4 (3) (2) (a) will apply, to allow simple adaptation of the dwelling to meet the future needs of wheelchair users.

9.9 Internal Space in a Home:

d. All new homes, both market and affordable, will meet the Government's Nationally Described Space Standard (NDSS).

9.10 Existing Occupiers of Surrounding Sites

9.11 Concerns have been raised by local residents and Councillors with regard to the impact of the proposed development on their amenity in terms of a loss of residential amenity, impact on privacy, increase in air pollution and noise and disturbance from construction traffic. Concerns have also been raised by Wallsend Boys Club with regard to the future continued operation of the Boys Club due to noise and activities at the Boys Club and potential noise as a result of the future extension to the Club House (subject of an extant planning permission) being at conflict with the new residential dwellings. The Boys Club also questioned the accuracy of the noise assessment. These points are noted. The Council's Environmental Health Officer (EHO) also originally raised some concerns with regard to the extent of the noise assessment and the potential noise impact and requested further information.

9.12 In response the applicant has provided a response from their Environmental Consultant. The EHO has reviewed this, noting that the updated assessment has modelled the noise based on 6 football pitches being used at Wallsend Boys Club at one time and that noise exposure at the nearest residential properties will be below the World Health Organisation Community Noise guidance level. In addition, noise from the proposed golf driving range is unlikely to give rise to nuisance and likely to be inaudible given the distance to the new residential properties. Noise from the grass cutting at the golf course has been assessed and shown to give noise levels of 44.3 dB LAeq for the activity, some 10 dB below existing background noise levels. The updated assessment also demonstrates that internal noise levels (with windows open) for the new dwellings can be achieved at the application site in accordance with WHO Community noise guidelines.

9.13 With regard to the concerns regarding the impact of future outdoor events associated with the extension to the Boys Club, it is noted that planning approval 17/00194/FUL makes no reference to the future use of the outdoor space associated with the extension for social events. Indeed, the D&A Statement submitted with 17/00194/FUL states that first floor offers a large space which can be used for presentations and events. There is balcony to the first floor, but this is located to the south of the new building a significant distance from the application site and is unlikely to lead to significant disturbance from noise for the new residents. Revisions were made to the plans approved via 17/00194/FUL to change the roof and enlarge the balcony. If the existing external areas are used for social events and these lead to a statutory nuisance, the Council's Environmental Health team would be able to take action under separate legislation. In addition, the dwellings to the south of Wallsend Boys Club, which are closer to the new building approved via 17/00194/FUL would be more directly affected by such external noise. The Boys Club must be mindful of their neighbours when undertaking social events.

9.14 With regard to air quality concerns, the EHO has reviewed the Air Quality Assessment and notes that it has concluded that there will be a negligible increase in both nitrogen dioxide and particulates and overall air pollutant levels will be below the air quality objective levels for NO₂ and particulates if the development was to occur. Mitigation measures have been recommended within the air quality assessment that includes for transport related measures such as electric vehicle charging infrastructure and travel plans. Construction dusts have also been considered and a condition is recommended to ensure the dust mitigation measures as outlined in appendix D of the report are implemented.

9.15 Additional conditions in relation to the submission of a Construction Method Statement and to control working hours will further assist in alleviating the impact on the amenity of local residents during construction works.

9.16 The nearest dwellings to the application site are located a significant distance to the south on Alderwood Crescent and Appletree Gardens. These properties will not be adversely affected by any loss of outlook, daylight, sunlight or privacy due to this significant distance.

9.16 Future Occupiers of Proposed Dwellings

9.17 As stated within paragraph 9.13 the updated noise assessment has adequately demonstrated that the new dwellings can provide an acceptable standard of accommodation in terms of noise disturbance from existing uses surrounding the site.

9.18 The layout of the development is also considered to be acceptable in terms of the standard of living accommodation provided for future occupiers. Each dwelling would be provided with a front and rear garden and the dwellings have adequate windows to provide good levels of light, outlook and privacy. Each dwelling is in accordance with the Government's Nationally Described Space Standard (NDSS).

9.19 Members need to consider whether the impact the proposed development on the amenity of the existing occupiers of sites is acceptable, and whether it will provide acceptable living conditions for future occupants.

10.0 Character and Appearance

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

10.2 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.3 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should

be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

10.4 The Council's Design Quality SPD states that innovative design and layout will be encouraged, 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. The Design Quality SPD makes it clear that boundary treatments can help to contribute towards the character of an area, improve the public realm and contribute towards natural surveillance and safety.

10.5 The applicant has submitted a Design and Access Statement in which they have described how the overall design concept aims to aim to realise the creation of a contextual yet distinctive residential environment that will enhance the profile of the local area by providing a new community which attempts to mesh within the landscape and the surrounding area. The proposed development is organised as a suburban townscape, comprising a mix of detached, semi-detached and terraced house types congruous with the surrounding built environment. Whilst a variety of architectural styles and finishes are proposed, the development is knitted together by traditional building materials and construction techniques. The housing within the scheme allows for a mix of 2-5 bed units, including affordable housing. The main access to the site for vehicles cyclists and pedestrians will be via Rheydt Avenue and the existing pedestrian footpath that runs along the northern boundary will also provide a key pedestrian access point as well.

10.6 The applicant has advised that their Design Team are aware of the ecological value of established green infrastructure and have used these areas as design constraints for development. Housing is set back from key hedgerows and other existing vegetation, which are retained and enhanced to provide a sensitive and considered development proposal. The 'green character' of the scheme is further reinforced by the public open green space central to the development.

10.7 In response to the original consultation on the proposed development, the Council's Design Officer advised that the architectural design of the house types is in general acceptable and that the units are arranged well to provide a distinct arrival point with units overlooking the open space and main road into the site. He also raised a number of concerns. In response to these, the applicant submitted a response to each concern along with additional information. The Design Officer has reviewed these and noted that they largely address his concerns with regard to surface materials and pedestrian connectivity. However, he remains concerned with regard to a narrow section of existing landscaping within the centre of the site, which would be enclosed by rear boundary fences, which he considers is a missed opportunity to create a focal point. He has also noted that there is no amenity grass as part of the layout, and it was recommended that an area with opportunities for recreation and play should be included.

10.8 With regard to the narrow section of existing landscaping within the centre of the site the applicant has advised this has been considered but that it is not

possible to achieve front facing properties along this area of landscaping without losing dwellings and severely impacting the proposed layout which currently achieves a high-quality design. This would lead to issues regarding the overall deliverability of the proposals and the delivery of much needed housing. It should be noted that this area of landscaping will play a key role in breaking up the proposed development from a visual perspective through its tree canopies and to also aid wildlife connectivity through the proposed development from north to south as, supporting the site's function in the wildlife corridor.

10.8 With regard to the amenity grass the applicant has noted that some is provided throughout the development as seen on the proposed Landscape Masterplan. However, other areas have been landscaped to ensure that the site's role within the wider wildlife corridor is protected and that they contribute towards net gains in biodiversity. It is considered that an appropriate balance has been taken to serve both needs of local residents and local wildlife. It should be noted that there are also local areas of recreation and play close to the site.

10.9 Members need to consider whether the design and layout of the proposed development is acceptable and determine whether it would harm the character and appearance of the surrounding area. Officer advice is that the proposed development is acceptable in this regard.

11.0 Highway Impact

11.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

11.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

11.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

11.5 The Transport and Highways SPD set out the parking standards for new development.

11.6 Significant objection on highways grounds has been submitted and these are noted. Newcastle City Council also originally submitted an objection on highways grounds. However, following the receipt of additional information

submitted by the applicant for the consideration of Newcastle City Council's Highways Officer they have advised that a financial contribution towards the Low Traffic Neighbourhood scheme in the Appletree Gardens area would address these concerns. This will be secured by a S106 agreement.

11.7 A Transport Assessment (TA) has been submitted as part of the planning application.

11.8 The Council's Highway Network Manager has reviewed the Transport Assessment and noted that it has analysed junctions in the vicinity of the site as well as the proposed site accesses and concluded that the impact of the development on the adjacent highway network is not considered to be severe. He has also noted that site will be accessed via Rheydt Avenue, which will be brought up to an adoptable standard along with some improvements at the junction with Rutland Road. Parking will be provided in accordance with current standards and the proposed highway layout is acceptable. The site has reasonable links with public transport and the development will be linked with the existing footpath to the north.

11.9 The Council's Sustainable Transport Team and Public Rights of Way (PROW) Officer have made comments. A Travel Plan and bond is required by condition and S106. The applicant is providing links from the development to the Public Right of Way to the north of the site. Improvements to the right of way will be secured via the land sale agreement.

11.10 It is noted that Newcastle City Council (NCC) originally objected to the proposed development. However, following further discussion and the receipt of additional comments, which have been set out earlier within this report, NCC have withdrawn their objection subject to a financial contribution towards the installation of two model filters which will prevent traffic associated with the development from using residential streets in the City to access the wider network. The applicant has agreed to this contribution and it will be secured by a S106 agreement.

11.11 The Highway Network Manager has raised no objections to the proposed development and has recommended conditional approval.

11.12 Members need to determine whether the proposed development is acceptable in terms of access, parking provision and the impact on highway safety. It is officer advice that it is.

12.0 Impact on Biodiversity and Landscaping

12.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment by amongst other matters improving biodiversity.

12.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing

coherent ecological networks that are more resilient to current and future pressures.

12.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.4 Local Plan Policy DM5.2 relates to proposals which include any loss of any part of the green infrastructure network

12.5 Policy DM5.5 of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

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

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

12.8 Policy DM5.9 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.

12.9 The site is located on land that is designated as open space and within a wildlife corridor. In support of the application has submitted a Bat Survey, Breeding Bird Survey, Ecological Appraisal, an Arboricultural Impact Assessment, Landscape Masterplan and a Biodiversity Net Gains Assessment. The applicant has confirmed that offsite compensation will be provided on a one-hectare area of land in Wideopen which is within their wider land holding. A detailed management plan will be produced and adhered to, to ensure delivery of the target habitats and conditions. Habitat creation, in the form of both 'other neutral grassland' and native mixed scrub is proposed within the off-site compensation area.

12.10 Objections have been received in respect of the impact on the wildlife corridor and trees. The content of these is noted.

12.11 The Northumberland Wildlife Trust (NWT) originally objected to the proposal requesting clarification/additional information on a number of matters.

The applicant provided the requested information. The Council has re-consulted the NWT but has not received any further response.

12.12 Natural England have raised no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites.

12.13 The Council's Biodiversity Officer and Landscape Architect have submitted detailed comments, which raise concerns regarding the impact of the proposed development on wildlife, trees, coastal sites, the limited amenity green space provision within the development, limited buffer planting, loss of hedgerows, disturbance to habitats, and additional pressure on semi-natural green open spaces within the vicinity of the site due to increased recreational activity. These concerns are noted. It is also noted that the applicant and their agent have been in discussion with the LPA throughout the consideration of the application in order to address design concerns and ensure the best possible landscape and ecology solutions for the site.

12.14 To that end, revised and more detailed information has been submitted, including a detailed landscape masterplan and updated Biodiversity Net Gain Assessment. These demonstrate that a BNG net gain of 10.83% will be achieved by way of both on and off-site compensation, and that new and enhanced semi-natural open space areas will be provided within the development site of approximately 2.5ha along with 1.147km (1,147 linear metres) of new native hedgerows and 132 urban trees that are calculated to provide 4.8ha of habitat for net gain. 1ha of land is being provided off-site at Wideopen to deliver net gain (species rich grassland) and to compensate for the loss of open space as a result of the development. The Wideopen land is located within a Wildlife corridor and the enhancement of this area will benefit the wildlife corridor in this location and provide additional habitat for wildlife

12.15 The Biodiversity Officer has also reviewed the submitted Ecological Appraisal and noted that the loss of habitats will be of local value and that there is a low risk of harm/disturbance to bats and amphibians. The concerns regarding nesting birds, water pollution, and bats can also be addressed via the attachment of conditions to the planning approval. Secondary impacts on designated sites in the wider area as a result of increased recreational activity from the housing scheme can be addressed by an appropriate financial contribution.

12.16 It is considered that whilst the application site has ecological value, it has been demonstrated that this can be adequately compensated for by way of on and off-site mitigation as set out within the application. The application site is not located within a designated Local Wildlife Site. Therefore, it is considered that the exceptional circumstance set out in policy DM5.2(b) applies. Alternative provision is to be provided, which will be of an improved quality, and which will maintain and create new green infrastructure connections as well as providing net gains for biodiversity. Whilst the quantity of the provision will be less than the existing, the quality will be better in terms of its ecological/biodiversity value.

12.17 Members must determine whether the proposed development is acceptable in terms of its impact on biodiversity and landscaping. Officer advice

is that, whilst the proposed development does not fully accord with local plan policy, the exception set out in policy DM5.2(b) does apply and that any harm which results from the lesser quantity being provided, is significantly and demonstrably outweighed by the benefits of providing 215no. new homes, in accordance with paragraph 11 of NPPF.

13.0 Other Issues

13.1 Flood Risk and Drainage

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

13.2 Policy DM5.12 Development and Flood Risk states that all new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

13.3 Paragraph 8.51 of the Local Plan advises that whilst increases in flood risk are normally associated with major development proposals, minor developments can cumulatively increase the risks of flooding if left unchecked. The Council will, therefore, encourage small scale proposals to incorporate appropriate sustainable drainage alternatives to offset or minimise the risks of flooding.

13.4 The site falls is located within Flood Zone 1. The applicant has submitted a Flood Risk Assessment and Drainage Strategy with the application which concludes that site has a risk of less than 1 in 1,000 annual probability of river or sea flooding (0.1%) and that the risk of flooding from other sources is considered to be low and/or manageable with mitigation.

13.5 Newcastle City Council originally objected to the proposal on the basis that the site is at high risk of surface water flooding and requested that the applicant submit a flood flow analysis (acceptable to North Tyneside LPA) that shows overland flows from the site are not increased as a result of the proposed development. In response the applicant advised that they consider that a Flood Flow Analysis can be secured via a suitably worded planning condition and that this is a logical approach as they would need to undertake further detailed modelling and design work in order to complete the Flood Flow Analysis which would result in delays to the application and therefore securing this work prior to commencement of development through a planning condition would be a more pragmatic way forward. Newcastle City Council have subsequently advised that they have no further objection on flooding grounds subject to the attachment of an adequately worded condition.

13.6 The Council's Local Lead Flood Authority has reviewed the application documents and advised that they have no objections subject to conditions requiring the Flood Flow Analysis Report, further details of the proposed outfall into the Wallsend Burn, details of Suds features and attenuation basin maintenance regime programme and details on pollution mitigation measures to be employed to ensure there is no detrimental impact to the watercourse during the construction phase.

13.7 Northumbrian Water have provided comments and raise no objections subject to the development being carried out subject to a condition requiring a detailed scheme for the disposal of foul and surface water.

13.8 Members are advised that the proposed development would have an acceptable impact upon flood risk, subject to the suggested conditions.

13.9 Ground Stability

13.10 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

13.11 Policy DM5.18 'Contaminated and Unstable Land'; states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report.

13.12 The application site is located within a Contaminated Land buffer zone.

13.13 A Phase 1 and Phase 2 Geo-Environmental Site Assessment has been submitted in support of the application.

13.14 The Coal Authority has raised no objection to the development and have recommended that the Coal Authority's Standing Advice should be included within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

13.15 The Contaminated Land Officer has reviewed the submitted report and has raised no objections to the proposed development, subject to conditions.

13.16 Members must determine whether the proposed development is acceptable in terms of contamination and ground stability. Officer advice is that the proposal is acceptable in this regard.

13.17 Sustainability

13.18 Section 14 of the NPPF sets out the Government's objectives for the planning system in terms of meeting the challenge of climate change, flooding and coastal change. Para.152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraphs 153 through to 158 set out measures for the planning system to address the climate change challenge, including the planning of green infrastructure, reduction of greenhouse gas emissions and increasing the use and supply of renewable and low carbon energy and heat. A planning application should be approved if its impact is, or can be made, acceptable.

13.9 Policy DM7.6 of the Local Plan states that proposals for development involving the provision of renewable and/or low carbon technologies, including micro-generation technologies, will be supported and encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic, social and other considerations of the development.

13.10 Within the submitted Design and Access Statement the applicant has advised that the proposed development has been designed with a 'fabric first' approach which places the greatest emphasis on the thermal performance of the building envelope and is less reliant upon applied renewable technologies. This ensures that thermal performance and sustainability are embedded within the fabric for the lifetime of the building. Some properties will also be installed with solar panels to encourage use of renewable energy. The design proposals for the scheme seek to address the most cost-effective method of improving energy efficiency, reducing energy demand and reducing the long-term carbon emissions of any new development through the optimisation of dwelling orientation aided by good passive solar and thermal design.

13.11 Members need to determine whether the proposed development is acceptable in terms of its provision of renewable and/or low carbon technologies, incorporation of green infrastructure and measures to reduce greenhouse gas emissions in accordance with Policy DM7.6 and the NPPF.

13.12 Archaeological Impact

13.13 The NPPF states that heritage assets are an irreplaceable resource and therefore should be considered in a manner appropriate to its significance.

13.14 Policy DM6.7 states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public. Developments that may harm archaeological features will require an archaeological desk-based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this.

13.15 The application site is identified in the Local Plan as being of archaeological interest and the applicant has submitted a Desk Based Archaeological Assessment, a report on an Archaeological Geophysical Survey and a Trenching Report.

13.16 The Tyne and Wear Archaeology Officer reviewed the information which was originally submitted and raised no objections to the proposed development subject to the attachment of conditions requiring archaeological excavation and recording, and post excavation reports. Since the comments were provided the applicant has submitted additional information to the Tyne and Wear Archaeology Officer requesting the conditions are phased due to the scale of the site and the phased approach to undertaking the development. The Archaeology Officer has reviewed the additional information (Written Scheme of Investigation (WSI)) and

has provided a list revised conditions which address the phased nature of the development.

13.17 S106 Contributions

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

13.19 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.

13.20 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.

13.21 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.

13.22 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.

13.23 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.

13.24 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.

13.25 The applicant has confirmed that they are agreeable to the following financial contributions and off-site mitigation requested by service areas:

- Affordable housing provision
- Allotments £21,600.00

- Ecology and Biodiversity £41,925.00
- Parks and Greenspace £114,421.00
- Built Sports Facilities £186,932.00
- Play/Multi Use Games Area £150,500.00
- Playing Pitches £162,219.00
- Primary Education £65,000.00
- Coastal mitigation £32,465.00
- Employment and Training £49,000.00
- Highways £50,000.00
- Travel Plan Bond £100,000

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

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

13.28 Local Financial Considerations

13.29 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.

13.30 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.

13.31 Conclusions

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

13.33 Specifically, the NPPF states that LPA's should approve development proposals that accord with an up-to-date development plan without delay. However, NPPF also recognises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. It is officer advice that this development is acceptable, albeit it does not fully comply with Policy DM5.2, which requires the loss of any part of the green infrastructure which meets an exception set out in the policy, to be replaced with alternative provision, equivalent to or better in terms of its quantity and quality. In this case, whilst lesser quantity is being provided, a better quality is being provided and this is acceptable for the reasons set out in this report.

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

13.35 The design and layout of the proposal conforms with the general design principles and is not considered to have a significant adverse impact upon the character and appearance of the site or its immediate surroundings.

13.36 The proposal would provide parking in accordance with the Council adopted standards and would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe (subject to the legal agreement for highway works within the administrative area of NCC).

13.36 The proposal would not adversely affect the privacy or amenity of surrounding properties.

13.37 The proposed will provide an acceptable standard of residential accommodation for future occupiers.

13.38 The site is of no/low archaeological value.

13.39 Issues to do with flooding and contamination can be dealt with via planning conditions.

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

13.41 The 'tilted balance' principle (NPPF paragraph 11) makes a presumption towards planning permission being granted unless there are adverse impacts which would significantly and demonstrably outweigh the benefits. The Council does not have a 5-year supply of deliverable housing sites. Development in locations with a housing shortfall should benefit from the presumption in favour. It therefore follows that planning permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits. In the opinion of officer's, the impacts of the development would not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission should be granted subject to a S106 Legal Agreement and conditions.

RECOMMENDATION:

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 a financial contribution for the following:**
- **Affordable housing provision**
 - **Allotments £21,600.00**
 - **Ecology and Biodiversity £41,925.00**
 - **Parks and Greenspace £114,421.00**
 - **Built Sports Facilities £186,932.00**
 - **Play/Multi Use Games Area £150,500.00**
 - **Playing Pitches £162,219.00**
 - **Primary Education £65,000.00**
 - **Coastal mitigation £32,465.00**
 - **Employment and Training £49,000.00**
 - **Highways £50,000.00**
 - **Travel Plan Bond £100,000**

Conditions/Reasons

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

- Application Form
- Site Location Plan, 001, scale 1:2500
- Site Plan as Proposed, 831-BEL-SD-10.02F
- Planning Phasing Plan, 16-035 E06, 03.01.23
- Adopted Highways, 831-BEL-SD-10.04G
- Surface Treatment Plan, 831-BEL-SD-10.05F
- Site Access Mitigation, 22-069-002 REV E
- Landscape Masterplan, 5962-99-001 REV.L
- Boundary Treatment Plan, 831-BEL-SD-10.03G
- Swept Path Analysis Refuse Vehicle, 22-069-TK01
- Swept Path Analysis Refuse Vehicle & Family Car, 22-069-TK02
- The Chandler Elevations, CH-3B-2S-CB-E
- The Chandler Floor Plans, CH-3B-2S-P1
- The Coiner Elevations, CN-2B-2S-CB-E
- The Coiner Floor Plans, CN-2B-2S-P1
- The Cutler Elevations, CU-4B-2S-CB-E
- The Cutler Floor Plans, CU-4B-2S-P1
- The Draper Elevations, DR-5B-2S-CB-E
- The Draper Floor Plans, DR-5B-2S-P1
- The Faber Elevations, FB-3B-2S-CB-E
- The Faber Floor Plans, FB-3B-2S-P1
- The Harper Elevations, FB-3B-2S-CB-E
- The Hillard Elevations, HI-3B-2S-CB-E
- The Hillard Floor Plans, HI-3B-2S-P1
- The Hooper Elevations, A/790HP/00/CB/02
- The Hooper Floor Plans, HP-3B-2S-P1
- The Lorimer Elevations, LO-4B-2S-CB-E
- The Lorimer Floor Plans, LO-4B-2S-P1
- Bungalow Plans & Elevations, M43-01

- The Parteger Elevations, PG-4B-2S-CB-E
- The Parteger Floor Plans, PG-4B-2S-P1
- The Potter Elevations, PO-2B-2S-CB-E
- The Potter Floor Plans, PO-2B-2S-P1
- The Reedmaker Elevations, RE-4B-2S-CB-E
- The Reedmaker Floor Plans, RE-4B-2S-P1
- The Sawyer Elevations, SY-3B-2S-CB-E
- The Sawyer Floor Plans, SY-3B-2S-P1
- The Mercer Elevations, ME-4B-2S-CB-E
- The Mercer Floor Plans, ME-4B-2S-P1
- The Weaver Elevations, WE-4B-2S-CB-E
- The Weaver Floor Plans, WE-4B-2S-P1
- Plane - M4(2)/NDSS Planning Elevations, A/1796CB/00/CB/02
- Plane - M4(2)/NDSS Planning Floorplans, A/1796CB/00/CB/01
- Double Garage, A/436/00/CB/R1/01
- Single Garage, A/218/00/CB/R1/01
- Design and Access Statement, April 2022
- Planning Statement, P21-2621, R001v2 PL
- Flood Risk Assessment & Drainage Strategy, RWO/FRADS/21198
- Assessment of Noise Levels and Noise Amelioration Measures,

LAE1177.1

- Noise Memo, LAE1220, 08.11.22
- Phase 1 and Phase 2 Geo-Environmental Site Assessment, 18-258-r03
- Remediation and Enabling Works Strategy, 18-258-r04/RevB
- Open Space Assessment, P21-2621, V4, 10.08.22
- Air Quality Assessment, 102822V3
- Bat Survey, 22042, V1
- Bird Strike Assessment, Final, 12.10.22
- Breeding Bird Survey, 22042, V2 (Final)
- Ecological Appraisal, 22042, V4
- Transport and Travel Plan, MTP Ref: 22-069-N, Rev.D
- Archaeological Desk Based Assessment, 403, March 2021
- Archaeological Geophysical Survey, 414, September 2022
- Archaeological Evaluation Phase 1, 418, November 2022
- BNG Measurements Plan, 91-001 REV.F
- Biodiversity Net Gains Assessment, 22042 BNG V9b
- Biodiversity Metric 3.1 V13A

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. Notwithstanding the details submitted and prior to first occupation of the approved development, a programme for the delivery of the following off-site highway works as set out in drawing number 22-069/02 - Revision E, and subject to Technical Approvals and Road Safety Audits, shall be submitted to and approved in writing by the Local Planning Authority implemented in accordance with the approved timescale and retained thereafter:

Upgrade of roads and footpaths on Rheydt Avenue to an adoptable standard

Alterations to existing access of Rheydt Avenue with Rutland Road
Pedestrian refuge on Rutland Road
Associated drop crossings
Associated highway drainage
Associated street lighting
Associated traffic calming
Associated road markings
Associated signage
Associated legal orders

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 the details submitted, the scheme for roads, footpaths, internal junctions, shared surfaces, turning areas, traffic calming and visibility splays shall be laid out in accordance with the approved plans. These 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 the details submitted, the scheme for driveways, private parking spaces, visitor parking spaces and garages shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

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

6. Notwithstanding the details submitted, the scheme for cycling and pedestrian links within the site and connecting into the wider network shall be laid out in accordance with the approved plans. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

7. Notwithstanding the details submitted, the scheme for storage of refuse, recycling and garden waste bins shall be laid out in accordance with the approved plans. These storage areas shall not be used for any other purpose and retained thereafter.

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

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

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

9. Notwithstanding the details submitted, no part of the development shall be occupied until a scheme for Electric Vehicle (EV) charging points for each dwelling has been submitted to and approved by in writing the Local Planning

Authority. This scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of promoting sustainable transport in accordance with NPPF.

10. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; 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 bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

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

11. The development shall not be occupied until a noise scheme providing details of the acoustic specification of the window glazing to be provided to habitable rooms in accordance with Section 7 of Noise Report LAE1177.1 has been submitted to and approved in writing by the Local Planning Authority. The submitted noise scheme shall ensure that internal noise levels can be achieved to meet BS8233 and the World Health Organisation community noise guidelines. All habitable rooms must meet a noise level of 35 dB LAeq for living rooms and bedrooms and a level of 30 dB LAeq at night, with no exceedances of the maximum noise levels of 45 dB(A). Thereafter the development shall only be carried out in accordance with the approved details.

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

12. Restrict Hours No Construction Sun BH HOU004 *

13. Restrict Hours No Demolition Sun BH HOU005 *

14. Prior to commencement of Phase 3 of the approved development a detailed Site Investigation (Phase II) must be carried out including an interpretative report on potential contamination of the site in relation to the land beneath the clubhouse and driving range. This must be prepared by an appropriately

qualified person and submitted to and approved in writing by the LPA to establish:

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

The Site Investigation report must include the following information:

- A site plan with sampling points and log;
- Results of sampling and monitoring carried out in accordance with sampling strategy, and;
- An interpretative report on potential contamination of the site, conclusions must be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation).

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

Reason: 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.

15. Prior to commencement of Phase 3 of the approved development a detailed Remediation Method Statement, in relation to the land beneath the clubhouse, 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.

16. Prior to the first occupation of each phase of the development hereby permitted, a Remediation Validation report for said phase of the approved development 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.

17. Unexpected Hotspots

CON007

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18. Prior to the commencement of the approved development, details of the proposed outfall into Wallsend Burn, which shall include energy dissipation measures, must be submitted to and approved in writing by the Local Planning

Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: This needs to be pre-commencement to ensure that suitable drainage can be installed in advance of starting works to prevent the increased risk of flooding from any sources in accordance with the NPPF.

19. Within 4 weeks of commencement of the approved development, details of the Suds features (ditches, swales, attenuation ponds, profiles, cross sections and landscape planting) must be submitted to and approved in writing by the Local Planning Authority. The details must include the attenuation basin maintenance regime programme and contact details of the management company. Any ditches, swales or attenuation ponds must be designed to provide ecological benefits, including appropriate native planting. The development shall be carried out in accordance with the agreed details prior to first occupation of the approved dwellings and maintained in accordance with the approved details thereafter.

Reason: To ensure that suitable drainage can be installed to prevent the increased risk of flooding from any sources and to ensure that local wildlife populations are protected in the interest of ecology, in accordance with the NPPF.

20. Prior to the commencement of the approved development, details of pollution mitigation measures/pollution control plan to be employed by the contractor to ensure no detrimental impact to watercourse during construction phase must be submitted to and approved in writing by the Local Planning Authority. These details shall include a timetable for implementation and detailed pollution prevention measures to ensure that there will be no contamination or pollutants entering nearby watercourses, wetlands or land. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: This needs to be pre-commencement to ensure that there is no pollution of or detrimental impact on the watercourse during construction works in in accordance with the NPPF.

21. Prior to the installation of drainage in connection with the approved development, a Flood Flow Analysis Report must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that suitable drainage can be installed to prevent the increased risk of flooding from any sources in accordance with the NPPF.

22. Prior to the installation of drainage in connection with the approved development, a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

23. Prior to the use of any cranes over 90m in height at the application site a Crane Method Statement for the duration of the construction period must be

submitted to and approved in writing by the Local Planning Authority. The statement shall provide the ground height of the site and stipulate the maximum height of any crane to be used on the site. All cranes over 90m in height must be fitted with 2000 candela steady red obstacle lights at their highest point, the light should be illuminated at all times during low light conditions and the jib shall only be in the raised position during use. The Airport's Air Traffic Control Service must be informed prior to use of the crane or any other construction equipment over 90m in height, which shall also be fitted with red obstacle lights and red steady obstacle lights at the highest point on the structure. The statement should set out at least the following:

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid each time the crane is raised and should be communicated with ATC;
- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD;
- The type of crane/equipment;
- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;
- The intended dates and times of operation;
- Applicant's name and contact details, and;
- Proposed obstacle lighting to be installed (Low intensity steady red obstacle lights should be used).

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

24. All street lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead.

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

25. Prior to the commencement of the approved works above damp proof course level, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- details (specification or samples) of all construction materials and hard surfacing finishes
- Location of flues, vents, utility boxes and any other utility equipment

Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to ensure that works are carried out in an appropriate manner with the advice in National Planning Policy Framework and Local Plan Policy DM6.1.

26. Prior to the first occupation of any part of the approved development details of the security fencing and golf ball netting (to include dimensions, materials and exact locations) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must be carried out in accordance with the approved details prior to first occupation and retained.

Reason: In order to ensure that works are carried out in an appropriate manner with the advice in National Planning Policy Framework and Local Plan Policy DM6.1.

27. No groundworks or development shall commence in Phase 1 until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with the Written Scheme of Investigation for Archaeological Strip and Record Excavation at Centurion Park, Wallsend dated 09 January 2023.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

28. Prior to the occupation of a maximum of 25% of the dwellings within phase 1, an assessment report of the results of the archaeological fieldwork undertaken in pursuance of condition 27 must be submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

29. No groundworks or development shall commence in Phase 3 until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with the approved Written Scheme of Investigation for Archaeological Strip and Record Excavation at Centurion Park, Wallsend dated 09 January 2023.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

30. The 150th completed dwelling shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions 28 and 30 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

31. The 190th completed dwelling shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and

has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

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

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

33. Prior to any works starting on site, (including demolition and all preparatory work), an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' will be required in order to demonstrate that the proposed works are practical and can be undertaken without adverse impacts on retained trees. The Method Statement is to include a scheme for the protection of the retained trees and woodland, scrub and grassland habitat areas (TTP), in accordance with BS 5837:2012, including the type of protective fencing and signage and details of any construction works and methods of installation required within the root protection area as defined by BS5837:2012 which make provision for protection and the long-term retention of the trees. The AMS is to include details for the installation of underground services, carriage way positions, parking areas and driveways, drainage and SuDs features, lighting, fence posts, installation of kerb lines or any structures within the root protection area and /or specialist foundations. Such areas are to be constructed using a 'No-dig' specification and to include works being undertaken by hand or suitable method such as an air spade along with any necessary ground treatments to deal with compacted areas of soil. Details shall demonstrate that any trenches or excavation works will not cause damage to the retained trees and/or root systems of the trees. No services shall be dug or laid into the ground other than in accordance with the approved details. Thereafter all construction and excavation works shall be implemented in accordance with the approved details. Any variation to the approved AMS and TTP should be submitted in writing for approval.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

34. Prior to the commencement of any site clearance works in connection with the development hereby approved (including demolition/excavation works, tree

works, soil moving, hardstandings, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), all trees within or adjacent to and overhanging the site are to be protected by fencing in accordance with the Tree Protection Plan (TPP) approved via condition no.33. No operational work, site clearance works or the development itself shall commence until the fencing is installed. Cabins, storage of plant and materials, and parking are not to be located within the RPA of the retained trees or woodland areas as defined by the TPP. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

35. Prior to works starting on site, details of any changes in ground level, including existing and proposed levels, and any retaining structures required within the root protection area as defined by BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. Any excavations within the RPA are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

36. All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement (to be submitted), BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

37. Prior to the removal of each protected tree (protected by a Tree Preservation Order), full details of the replacement for said tree, including a timetable for planting of each tree, shall be submitted to and approved in writing by the Local Planning Authority. Each tree must be replaced on a one for one basis at a minimum 14-16cm girth unless otherwise agreed with the LPA. If within a period of five years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

38. Prior to the occupation of any dwelling, all trees on the site shall be subject of a post-construction re-assessment of the trees that documents locations, condition, and any immediate or expected future requirements, to be undertaken to safeguard the TPO on the site.

Reason: In order to establish the condition of all trees on completion of the approved development in order to enable the Local Planning Authority to adequately control the future management of the trees and the amenity of the site and locality, having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

39. Prior to commencement of the approved development an Arboricultural Consultant must be appointed by the developer. The consultant shall advise on tree management for the site and undertake regular supervision visits for the duration of the construction works to oversee the agreed tree protection measures, as well as visiting the site as required to oversee any unexpected works that could affect the trees. The supervision must be undertaken in complete accordance with the approved Arboricultural Method Statement.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

40. Within one month of the completion of the approved development, written evidence of regular monitoring and compliance with supervision of the Arboricultural Consultant pursuant to condition no.39 of this approval shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

41. Prior to construction of the approved dwellings above damp proof course level, details (to include specifications and locations) of 22no.bird boxes/features shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes/features must include a range of features for various species and be integrated into new buildings and located in suitable habitat locations within the development site. Thereafter the development shall be carried out in accordance with the agreed details and permanently retained.

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

42. Prior to construction of the approved dwellings above damp proof course level, details (to include specifications and locations) of 15no.bat boxes/features shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes/features must include a range of features for various species and be integrated into new buildings and located in suitable habitat locations within the development site. Thereafter the development shall be carried out in accordance with the agreed details and permanently retained.

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

43. 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 degrees.

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

44. Prior to the installation of any new boundary fencing associated with the approved development details of locations and specifications of hedgehog gaps must be submitted to and approved in writing by the Local Planning Authority. The hedgehog gaps (13cm x 13cm) shall thereafter be installed within the new fencing in accordance with the approved details and retained thereafter.

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

45. Prior to works commencing on site a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include Method Statements for protected species (breeding birds, bats, hedgehogs and amphibians), appropriate working methods and details of works that will be overseen by an Ecological Clerk of Works (ECoW). Thereafter, the CEMP shall be implemented in accordance with the approved details for the duration of the development.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

46. 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 landscape mitigation/compensation shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be in accordance with the habitat creation and enhancement details set out within the Biodiversity Net Gain Assessment Report/Biodiversity Metric (OS Ecology January 2023) and shall include a full specification for all new tree, shrub, hedgerow and wildflower planting. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting. Any amendments to the approved landscape details will require an updated Biodiversity Metric and Net Gain Assessment to be submitted to the LPA for approval to ensure that a biodiversity net gain will be delivered as part of the scheme.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

47. Within 4 weeks of development commencing, a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) for on-site landscape mitigation/habitat creation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. The plan must include details of the following:

- Details on the creation, enhancement and management of all habitats identified within the Net Gain Report/Biodiversity Metric (OS Ecology January 2023) and approved Landscape Plans/Strategies
- Survey and monitoring details for all target habitats identified within the Net Gain Assessment Report (OS Ecology January 2023). 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 condition. 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 Biodiversity Net Gain Report/Biodiversity Metric.

The LEMMP shall be implemented in accordance with the approved details on completion of the landscape scheme and thereafter for a minimum period of 30 years.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

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

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

49. Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. High intensity security lights will be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. The Scheme shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;

- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

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

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

50. Notwithstanding the details submitted in the Travel Plan, no part of the development shall be occupied until a Full Travel Plan in accordance with the council's Travel Plan Scope, has been submitted to and approved by in writing the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed Travel Plan. The Travel Plan will require the Travel Plan Coordinator to be in place three months prior to first occupation until at least five years from first occupation and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met with a Monitoring Report submitted to the council within two months of surveys being undertaken.

Reason: To accord with Central Government and Local Plan Policy DM7.3 and Transport and Highways SPD.

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

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

Informatives

The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

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

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

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

The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

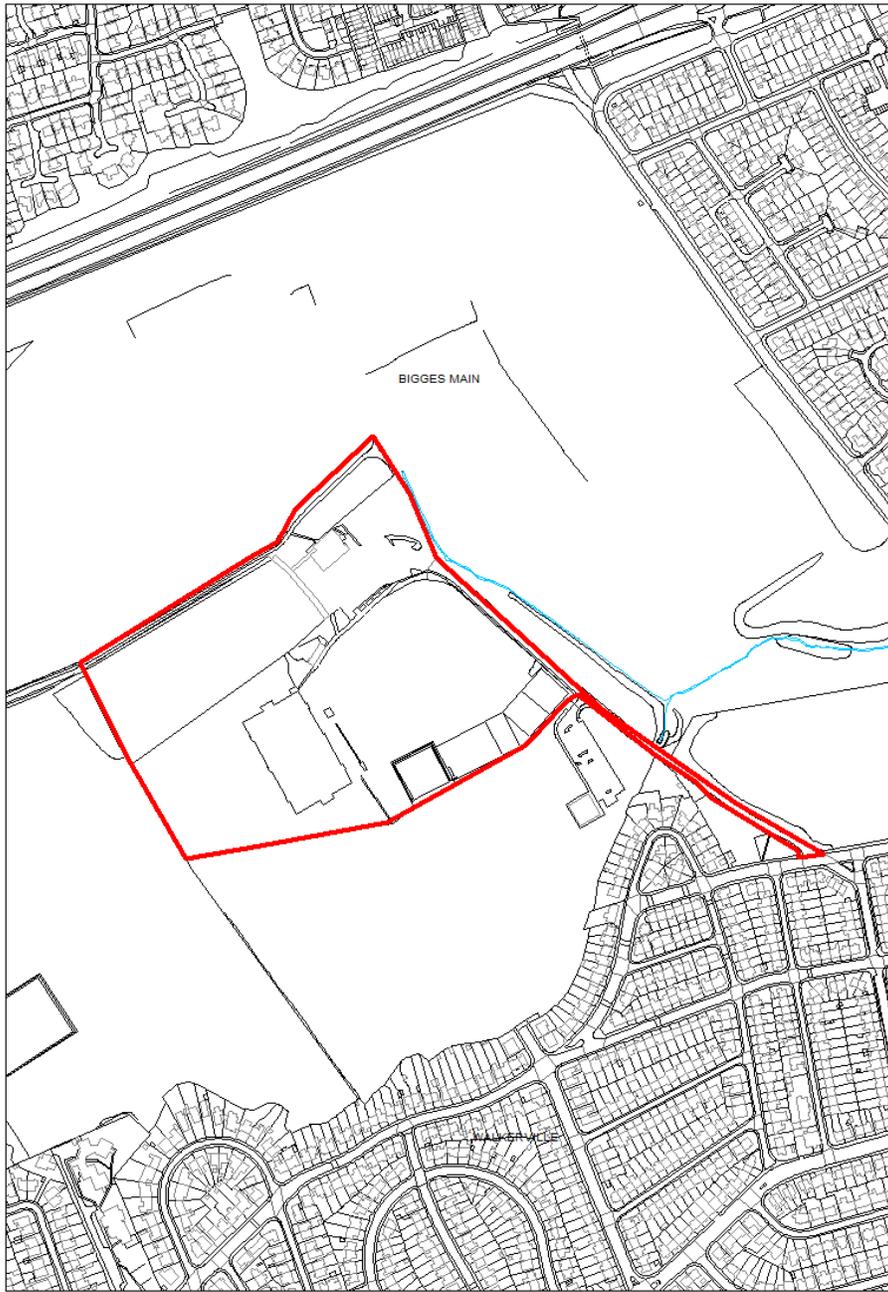
The applicant is advised that requests for Street Naming and Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering &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

The applicant is advised that they may be required to provide waiting restrictions on the access road (Rheydt Avenue) and a residents parking permit scheme within the development to deal with potential overspill parking from adjacent uses. Contact New.Developments@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 a joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact Highways@northtyneside.gov.uk for further information.

Coal Mining Standing Advice (FUL,OUT) (144)



Application reference: 22/01122/FUL

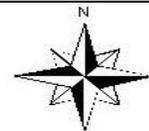
Location: Land At, Centurion Park , Rheydt Avenue, Wallsend

Proposal: Full planning application for the erection of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure

Not to scale

Date: 03.03.2023

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Appendix 1 – 22/01122/FUL Item 1

Consultations/representations

1.0 Representations

1.1 There have been 376no. individual responses to the public consultation from local residents. These are broken down into 367no. objections, 6no. support and 3no. representations. These are summarised below:

1.2 Support:

- Good for the local area, need more houses.
- Overall the plan looks fairly well thought out with a good mix of house sizes. I am a fan of the water run off pond which will provide areas for dog walking and assist wildlife. The left hand side of the plan could do with a bit of green spreading through it though.
- New estate will be an asset to Wallsend.
- Development would provide much needed larger houses to accommodate families.

1.3 Objections:

1.4 Highways Issues

- Exacerbation of existing major traffic problems due to the boys club.
- Inadequate parking provision.
- Narrow access road.
- Inadequate access for emergency vehicles.

1.5 Amenity

- Loss of residential amenity.
- Loss of accessible open amenity space for residents/dog walkers/children to play.
- Increase in air pollution.
- Danger to health and safety of school children.
- Impact on privacy.
- Noise/disturbance construction traffic.

1.6 Character and Appearance/Design/Layout

- Loss of open space.
- Inappropriate design.
- Out of keeping.
- Overdevelopment.
- Harmful impact on landscape.

1.7 Environment/Greenspace/Biodiversity

- Harm to wildlife.
- Pollution of watercourse.
- Loss of trees.

1.8 Other

- Too much council land being sold off for profit.
- Houses need to be kept affordable.

- Homes could be provided by refurbishment of present buildings at a more acceptable cost to our environment and an economy fit for the future.
- Impact on local infrastructure – schools, doctors, etc.
- Flooding.
- Loss of sporting facilities.
- Negative impact on Wallsend Boys Club.
- Development increases the amount of emissions that would increase the carbon footprint of the Borough, which would likely lead to the Authority missing its Carbon Net-Zero targets for 2030.

1.9 CMS Cameron McKenna Nabarro Olswang LLP on behalf of Wallsend Boys Club (received 17.02.22), summarised below:

- The proposed development is contrary to LP policies DM5.2 and DM5.3, paragraph 99 of the NPPF and does not meet the exceptions set out in Sport England Playing Fields Policy and Guidance.
- The North Tyneside Green Space Strategy 2015 is out of date.
- The Playing Pitch Strategy 2013 is seriously out of date.
- Any attempt by the Council to grant planning permission against this background would be unlawful.
- The Council does not have an up-to-date assessment of need and provision and cannot advise elected members properly regarding the need for and consequences of losing the open space, sports and recreational provision on the application site or to properly advise on compliance with development plan and national policy.
- The applicant's Open Space Assessment is not sufficient.
- Reliance should not be placed on alternative provision which was purportedly made in light of the 2001 application.
- Original purpose of land 'sport and recreation' is not a material planning consideration.
- Simply because the Council is not in a position to demonstrate a 5-year housing land supply does not relieve it of its obligations to act lawfully in granting planning permission.
- The only lawful course of action is that planning permission should be refused for this development.

1.10 Wallsend Boys Club

1.10 A detailed objection has been submitted by Wallsend Boys Club, this is summarised below:

- Proposed development will restrict further investment in the Club and thus have a major impact on our ability to support and sustain the benefits we provide to the wider community.
- Direct conflict with the Local Plan, particularly policy DM5.2.
- Highway and pedestrian safety will be severely compromised.
- Proposal will severely inhibit the continued operation of the Boys Club, given the noise emanating from the club facilities which have not been properly addressed by the applicants.
- The Boys Club has a pressing need for expansion of their facilities which can only be achieved through efficiencies of the existing grounds or expansion northward (application site). This need and demand has failed to be addressed or acknowledged by the applicant, thus the proposal is in direct conflict with DM5.2 (a).

- Fails to accord with DM5.2 (c) as it cannot be said that it is not required to meet the shortfall in provision of green space associated with sports operated at the Boys Club.
- Contrary to policies S1.2, S1.4 and S5.1.
- Direct conflict with policy DM7.4 as it fails to promote sustainable travel and support resident's health and wellbeing.
- Rheydt Avenue is heavily used and barely wide enough to accommodate current users. It cannot be brought up to adoptable standards without the loss of trees or taking land from the edge of the golf course or Boys Club.
- On the days of operational use of the Boys Club parking on Rheydt Avenue prohibits movements north of the Club to single file traffic and pedestrians, including children, travel the length of the road passing between cars to stationary vehicles. Construction traffic and new residents vehicular movements would conflict with existing users.
- The Transport Statement underplays the number of proposed vehicle movements, which will give rise to substantial risk and danger and displace cars onto Rutland Road giving rise to conflict with users and residents.
- Development is not sustainable – distance to bus stops, local services etc.
- The noise survey was not undertaken over a typical 24 hour operational period of the Club, failing to take full account of activities undertaken at the club and the noise generated.
- Noise survey does not assess the impact of the use of the outdoor space associated with the extant approved permission for the extension to the Club House.
- We would question the conclusions which have been extrapolated using base evidence of a typical similar sports pitch. The facilities at the Boys Club are not a typical operational sports pitch by comparison.
- The application fails in any part to address the impact of the Club's flood lighting on the amenity of the future residents.
- We were surprised by the passive nature of Sport England in their consultation document dated 11 August 2022, clear conflict between their conclusion and SE's established policy. SE have not spoken to us and there is no evidence they have consulted with the Northumberland FA.

2.0 Member of Parliament

2.1 Mary Glindon MP for North Tyneside

2.2 I fully concur with the objection letter by Wallsend Boys Club. In particular the restrictions the development would place on the future expansion of the club, which in turn will directly affect the wider local community. I have been contacted by constituents living in the area, who have serious concerns about the increased volume of traffic the housing development will bring and also pedestrian safety, in relation to the school sited adjacent to the proposed development and the narrow residential streets.

3.0 Ward Councillors

3.1 Councillor Louise Marshall (Wallsend)

3.2 I request speaking rights. I have been consulting with residents and would like to present my findings to the committee to ensure their views are considered.

3.3 Councillor Gary Madden (Wallsend)

3.4 I have serious concerns for the impact this development will have on the narrow streets surrounding the entrance to the development. The road is blocked off at western school which will funnel traffic through the narrow streets. I was also assured by the owner of the land that they had no intention of trying to build homes on the course. This was at a public meeting during the waves of the pandemic.

3.5 I am also concerned about the knock-on effect this development will have on the boys club for parking. This will force additional cars onto the new development and onto Rutland, Cresswell, St Aidans, etc. this will be a nightmare for our residents. There is also the fact that this land is not designated for housing. It is for leisure facilities. The fact that the facilities were allowed to stop being used is a real shame but shouldn't detract from the fact that this land is not for housing. I would like the opportunity to speak.

4.0 Internal Consultees

4.1 Local Lead Flood Authority

4.2 I have carried out a review of the surface water drainage proposals as submitted as part of planning application 22/01122/FUL and established the potential flood risks associated with site and the surrounding area. I can confirm I have no objections to the proposed development as the site will be providing surface water attenuation in the form of a suds pond which will provide suitable attenuation for a storm event of 1 in 100 year + 40% allocation for climate change and 10% urban creep. The surface water treatment for the development will be achieved via filter strips and attenuation basin before discharging into the Wallsend Burn.

4.3 I would request that the applicant verifies the proposed discharge rate for the development as there are discrepancies within the submitted documents for the proposed greenfield discharge rate with the Engineering plan showing 42.4 l/s discharge rate and the flood risk assessment stating 44.8 l/s. In addition can the applicant provide verification that surface water sewer from suds basin through to outlet is to be part of Section 104 agreement with Northumbrian Water.

4.4 I would also recommend that as part of the development proposals a new sloped faced culvert grille is provided on the inlet to the West Street culvert located within the adjacent golf course, this grille has a history of blockages due to its current design and as the proposed development will be discharging upstream into the Wallsend Burn increasing the current flow rates this will have a detrimental impact to the surrounding area by raising the flood risk at the culvert inlet. An improved culvert grille in this location will help to reduce the flood risk and will provide mitigation for the new development proposals to discharge the surface water from the site into the Wallsend Burn.

4.5 I will require the following conditions to be placed on the application;
- Further details of the proposed outfall into the Wallsend Burn to be provided to the LLFA prior to construction these should include details of the energy dissipation measures to be installed in the watercourse depending on design these may require consent from the Local Authority.

- Details of Suds features and attenuation basin maintenance regime programme and contact details of management company to be provided to LLFA. If this is to be adopted by Northumbrian Water written confirmation to be provided to LLFA.
- Details on pollution mitigation measures to be employed by contractor to ensure no detrimental impact to watercourse during construction phase to be provided to LLFA prior to construction.

4.6 I would be happy for a condition to be placed on the application requiring a flood flow analysis report to be produced if the application is successful.

4.7 Design Officer

(Comments following receipt of additional information, provided 31.10.22):
Following comments dated 27th July 2022, which raised concerns, further information has been submitted and the agent has responded to each of the concerns. Updated comments are set out below.

4.8 Amendments have been made to surface materials. These are acceptable. No further information has been submitted about the detailed landscape design although this can be conditioned.

4.9 The site is located in approximately the middle of Centurion Park Sports Centre and is surrounded on all sides by open space. Further information has been submitted about pedestrian connectivity. There will be a 2-metre-wide footway along the western side of Rheydt Avenue which will provide pedestrian connections to Wallsend and to the south of the site. A 5.5m access road would also provide space for on road cyclists. To the north of the site there will be two connections onto the existing Public Right of Way for pedestrians and cyclists. The further information shows that the scheme will provide connections to help integrate into its surroundings, although there is likely to be a high dependency on car use.

4.10 In the middle of the site, there is a narrow section of existing landscaping which would be enclosed by rear boundary fences. This is a missed opportunity to create a focal point within the site layout. The site incorporates some areas of open space which accommodate existing landscaping, new SUDs and wildlife and biodiversity mitigation. There is no amenity grass as part of the layout, and it was recommended that an area with opportunities for recreation and play should be included. Some further information about open space provision within the wider area has been submitted but no changes to the provision of amenity open space has been made. In larger developments such as this one, it is important that areas of amenity open space are provided as part of designing successful places with opportunities for recreation and play. On the landscape plan, there is an area identified as "Centurion Golf Course Planning application area" which would be ideal for amenity open space. Further information is required about the intended use of this area and if this could be amenity green space.

4.11 Given the open nature of the surroundings, particular care is required to the design of the edges of the site. To the south of the site, there is an area of existing landscaping. Some rear gardens seem to extend into the area of existing landscaping and this results in very small areas of useable garden space. The trees are likely to impact on residential amenity and cause pressure for their

removal in the future. This issue is referred to the Landscape Officer for further comments.

4.12 A boundary treatment plan has been submitted. On two sides of the site, a 2 metre high security fence is proposed along with a 100 metre long area of golf ball netting. This is required to protect properties from stray golf balls. This will be set between two existing hedgerows which will screen the appearance of the netting. Subject to an acceptable design, this is acceptable. The detailed design should be conditioned. The netting may pose a hazard to birds and bats, however this issue is referred to the Ecology Officer for comments.

4.13 Overall, the key issue which needs further consideration is providing some amenity open space as part of designing successful places. The further information and amendments requested above should be provided to the planning case officer within a timescale that would allow for the case to be determined within its deadline. The planning case officer should assess the request above and set a suitable timescale for this further submission.

4.14 Suggested Conditions:

MAT03 Materials of construction

LAN003 Landscape design proposals

LAN005 Landscape works implementation

Detailed design of security fencing and golf ball netting

External features (Vents, flus and meter boxes)

4.15 (Original Comments provided 22.07.22):

Previous discussions have been undertaken for this site, and advice provided about the design and layout. There are minor changes to the layout but in general it remains the same.

4.16 The site is located in approximately the middle of Centurion Park Sports Centre and is surrounded on all sides by open space. The proposed location would be an isolated development rather than being connected to the existing community. There are some links to existing pedestrian routes, although it is unclear if these have lighting to help meet the needs of walking and cycling at different times of the day. Further information is required about pedestrian connectivity and consideration should be given to opportunities to connect and improve existing footpaths, cycleways and bridleways. There are no bus stops proposed within the layout and there is likely to be a high dependency on car use. There are bus stops nearby the site although it appears complicated or lengthy to reach these by foot.

4.17 The layout includes a mix of property types and sizes. The architectural design of the house types is in general acceptable although some units would benefit from further variation of detailing or materials. The units are arranged well to provide a distinct arrival point with units overlooking the open space and main road into the site. There are primary and secondary roads that vary in width. Street trees are shown on the landscape plan, however no detailed information has been submitted to ensure that the right tree species are planted in the right places.

4.18 The site incorporates some areas of open space, however these accommodate existing trees or new SUDs. In the middle of the site, there is a narrow section of existing landscaping which would be enclosed by rear boundary fences. This is a missed opportunity to create a focal point within the site layout. There is no amenity grass as part of the layout and including an area with opportunities for recreation and play should be reviewed. Including this type of space, would increase the design quality and functionality of the site for future residents. A bowling green is proposed to be retained although it is not clear if there is any parking associated with this to facilitate easy access and continued use of the space.

4.19 Amendments are required to surface materials to create a well-designed area with a sense of character. Visitor parking bays are proposed to be surfaced in tarmac. This should be amended to blocks to contribute towards a well-designed street scene. This is a requirement of the Design Quality SPD which states "visitor car parking should be enhanced in suitable adoptable materials, such as block paving, to improve the street scene". This is expected on all new developments. Key junctions and feature points within the road layout should also be broke up with other suitable materials. On the surface material plan, driveways are illustrated in block work, however the description proposes tarmac. This should be amended.

4.20 Given the open nature of the surroundings, particular care is required to the design of the edges of the site. To the south of the site, there is an area of existing landscaping. Some rear gardens seem to extend into the area of existing landscaping and result in very small areas of useable garden space. To the west of the site there is existing landscaping (with some gaps) and a native hedge is proposed to be planted. No detailed information has been submitted about the width and species mix of this hedge and further information is required.

4.21 A boundary treatment plan has been submitted which describes different types of boundary treatments. Illustrations of the different boundary treatments are required. On two sides of the site, a 2 metre high security fence is proposed although no reason is given for this. A 100 metre long area of golf ball netting is required near some of the houses. There are concerns about the appearance of this. The netting may also pose a hazard to birds and bats, however this issue is referred to the Ecology Officer for comments.

4.22 The further information and amendments requested above should be provided to the planning case officer within a timescale that would allow for the case to be determined within its deadline. The planning case officer should assess the request above and set a suitable timescale for this further submission.

4.23 Highway Network Manager

4.24 This application is for the erection of 215 residential dwellings with access, landscaping, sustainable drainage, and associated infrastructure.

4.25 A Transport Assessment (TA) was submitted as part of the planning application that analysed junctions in the vicinity of the site as well as the proposed site accesses and the impact of the development on the adjacent highway network is not considered to be severe.

4.26 The site will be accessed via Rheydt Avenue, which will be brought up to an adoptable standard along with some improvements at the junction with Rutland Road.

4.27 Parking will be provided in accordance with current standards and the proposed highway layout is acceptable. The site has reasonable links with public transport and the development will be linked with the existing footpath to the north. Recommendation - Conditional Approval

4.28 The applicant will be required to enter into a Section 278 Agreement with the Local Authority for the following works as set out in drawing number 22-069/02 - Revision E:

4.29 Upgrade of roads and footpaths on Rheydt Avenue to an adoptable standard

Alterations to existing access of Rheydt Avenue with Rutland Road

Pedestrian refuge on Rutland Road

Associated drop crossings

Associated highway drainage

Associated street lighting

Associated traffic calming

Associated road markings

Associated signage

Associated legal orders

4.30 Conditions:

4.31 Notwithstanding the details submitted, a programme for the delivery of the following off-site highway works as set out in drawing number 22-069/02 - Revision E: and subject to Technical Approvals and Road Safety Audits, shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter:

4.32 Upgrade of roads and footpaths on Rheydt Avenue to an adoptable standard

Alterations to existing access of Rheydt Avenue with Rutland Road

Pedestrian refuge on Rutland Road

Associated drop crossings

Associated highway drainage

Associated street lighting

Associated traffic calming

Associated road markings

Associated signage

Associated legal orders

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

4.33 Notwithstanding the details submitted, the scheme for roads, footpaths, internal junctions, shared surfaces, turning areas, traffic calming and visibility splays shall be laid out in accordance with the approved plans. These 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).

4.34 Notwithstanding the details submitted, the scheme for driveways, private parking spaces, visitor parking spaces and garages shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

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

4.35 Notwithstanding the details submitted, the scheme for cycling & pedestrian links within the site and connecting into the wider network shall be laid out in accordance with the approved plans. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

4.36 Notwithstanding the details submitted, the scheme for storage of refuse, recycling & garden waste bins shall be laid out in accordance with the approved plans. These storage areas shall not be used for any other purpose and retained thereafter.

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

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

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

4.38 Notwithstanding the details submitted, no part of the development shall be occupied until a scheme for Electric Vehicle (EV) charging points for each dwelling has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of promoting sustainable transport.

4.39 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.

4.40 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 adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

4.41 Informatives:

4.42 The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

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

4.44 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.

4.45 The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

4.46 The applicant is advised that no part of the gates, doors or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

4.47 The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

4.48 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.

4.49 The applicant is advised that they may be required to provide waiting restrictions on the access road (Rheydt Avenue) and a residents parking permit scheme within the development to deal with potential overspill parking from adjacent uses. Contact New.Developments@northtyneside.gov.uk for further information.

4.50 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.

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

4.52 Sustainable Transport

This application is a full planning application for the erection of 215 residential dwellings with access, landscaping, sustainable drainage and associated infrastructure at Rheydt Avenue in Wallsend.

There is no requirement as part of the planning process to secure any further improvements to the PRow network as these will be improved via the land sale agreement.

A Travel Plan (TP) for this site was submitted as part of the application, however it was incorporated within the Transport Statement (TS). It would be expected that the Travel Plan is a standalone document.

Recommendation - Conditional Approval

Travel Plan:

Notwithstanding the details submitted in the Travel Plan, no part of the development shall be occupied until a Full Travel Plan in accordance with the council's Travel Plan Scope, has been submitted to and approved by in writing the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed Travel Plan. The Travel Plan will require the Travel Plan Coordinator to be in place three months prior to first occupation until at least five years from first occupation and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met with a Monitoring Report submitted to the council within two months of surveys being undertaken.

Reason: To accord with Central Government and Local Plan Policy DM7.3 and Transport and Highways SPD.

Following negotiations, a £100,000 Travel Plan Bond is required, to be included as a Section 106 Agreement. This will have to be paid if the Travel Plan Targets are not met 5 years from first occupation.

4.57 Environmental Health (Pollution)

4.58 I have reviewed the updated air quality assessment. The air quality assessment has considered the potential increase in air pollutants resulting from the development. The principal pollutants of concern are nitrogen dioxide and particulates, arising from road traffic vehicles. The air quality assessment has concluded that there will be a negligible increase in both nitrogen dioxide and particulates and overall air pollutant levels will be below the air quality objective levels for NO₂ and particulates if the development was to occur. With regard to PM_{2.5} levels, although there is a limit level within the 2010 Regulations there are no specific target limits set within the LAQM Technical Guidance (TG22) for Local Authorities in England to work towards. It is recognised that there are no safe levels for particulates and that Local Authorities must have policies in place to reduce the levels to as low a level as possible. Mitigation measures have been recommended within the air quality assessment that includes for transport relates measures such as electric vehicle charging infrastructure and travel plans. Construction dusts have also been considered and a condition is recommended to ensure the dust mitigation measures as outlined in appendix D of the report are implemented as the track out risk has been assessed as medium.

4.59 I have reviewed the Memo response dated 8th November 2022 regarding the noise assessment. I note that the applicant suggests that the measurements obtained from one location over a 24-hour period is representative based on the dominant noise being road traffic on the Coast Road. An updated assessment for the football pitches has been carried out which has modelled the noise based on 6 football pitches being used. This has shown that the noise exposure at the nearest residential houses will be 51 dB at the façade. Garden amenity for the majority of the properties will be below 50 dB LAeq and below the World Health Organisation Community Noise guidance level of 55 dB LAeq.

4.60 The noise assessment Memo has outlined that noise from the proposed golf driving range is unlikely to give rise to nuisance and likely to be inaudible given the distance to the new residential properties. Noise from the grass cutting at the golf course has been assessed and shown to give noise levels of 44.3 dB LAeq for the activity, some 10 dB below existing background noise levels.

4.61 The daytime noise levels for internal spaces should aim for a level of 35 dB and night time of 30dB in accordance to WHO Community noise guidelines. The consultant has shown that internal noise levels can be achieved, with open window. And has recommended a glazing specification of 4 /6-16mm/ 4.

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

4.63 Prior to occupation submit and implement on approval of the local Planning Authority a noise scheme in accordance with Section 7 of noise report LAE1177.1, providing details of the acoustic specification of the window glazing to be provided to habitable rooms, to ensure bedrooms meet the good internal standard of 30 dB LAeq T at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB LAeq T in accordance with the World Health Organisation community noise guidelines and BS8233.

4.64 HOU04 and SIT03

4.65 Contaminated Land Officer

I have read the Phase 2 report and the Remediation & Enabling Works Strategy. The Remediation & Enabling Works Strategy stated:

“Table 3.1 Enabling Works Schedule, Section RE-7

At the time of the site investigation parts of the site were occupied by buildings, hardstanding and live utility services, which restricted access for the investigation of these areas. As and when the site is cleared, further investigation should be undertaken in these areas to confirm ground conditions. Samplings of Made Ground should be taken, and further samples will be collected to assess the potential presence of any contamination that would represent a risk to chronic human health or the wider environs. Where a potentially unacceptable degree of risk is identified, or where contamination or ground conditions different from those already encountered on the site, the remediation strategy will need to be revised accordingly and in agreement with the regulatory authorities.”

4.66 As further site investigation works are proposed works then Con 004 will be required to attached. As the remediation strategy may need to be revised Con 005 with still need to be attached. As remediation works have been identified as being required Con 006 will need to be attached. Con 007 is required to be attached.

4.67 The site investigation has indicated that no gas protection measures are necessary. Although a number of the boreholes were flooded on occasion, I am satisfied that sufficient readings were taken to support the outcome of this assessment. No gas condition is required.

4.68 Biodiversity & Landscape

4.69 The application site is for the erection of 215no dwellings (reduced from 233no.) on land at Centurion Park, Rheydt Avenue. The proposed land is approximately 9.6ha and consists of the sports centre and car park to the north east, driving range behind the sports centre to the west and a large area of amenity grass, semi-improved grassland and brownfield land to the south of this area which is currently used for recreation and dog walking. The site also supports hedgerows, scattered scrub and woodland/tree planting within the site. The site boundaries along the north, west and southern boundaries also support tree, woodland and hedgerow planting which appears to be outside of the red line boundary. The site is bounded by Rheydt Avenue and Wallsend Golf Course to the eastern boundary, the golf course to the northern boundary, Benfield School and playing fields to the western boundary and playing fields/Wallsend Boys Club and Kirkley Park to the south. The site is currently accessed via Rheydt Avenue, which leads from the southeast of the site to the northeast along the eastern boundary. This provides access to the Centurion Park Golf Course Club House, Golf Shop and Car Park.

4.70 The entire area proposed for development is designated as open space on the North Tyneside Local Plan Policies Map (2017) and is also within a designated wildlife corridor. The site is not allocated for housing within the Local Plan.

4.71 The proposed scheme which consists of the development of 215no. dwellings and include the demolition and removal of the existing buildings and structures within the application site. The site contains a number of trees protected by a TPO, which are to be retained, however, the proposal will result in the loss of approximately 10.35ha of designated open space containing habitats within a wildlife corridor as defined by the Local Plan.

4.72 With regard to landscape and ecology, NTC have been in discussion with the applicant, developer and agent in order to address design concerns and ensure the best solution in terms of landscape and ecology can be achieved.

4.73 The direct impacts associated with this scheme include: -

- The loss of approximately 10.35ha of designated open space and associated semi-natural habitats as defined by the Local Plan.

4.74 The potential indirect impacts include:-

- Impacts to a designated wildlife corridor as result of habitat loss and associated disturbance including noise and lighting.
- Impacts to wildlife as result of habitat loss, disturbance and fragmentation of the corridor
- Potential further impacts on existing trees resulting from construction works land level changes associated with the development.
- Impacts to adjacent Local Wildlife Sites and designated Coastal sites from increased recreational activity

4.75 The following plans have subsequently been revised and submitted:

- Landscape Masterplan (DWG no: 5962-99-01 Rev L)

- Biodiversity Net Gain Assessment (OS Ecology V9b January 2023)
- Biodiversity metric 3.1 (OS Ecology v13)
- BNG Measurements Plan (DWG No: 5962-91-01Rev F)

4.76 The revised landscape plan and associated documentation provides:

- A Biodiversity Net Gain (BNG) of 10.83% provided by both on-site and off-site habitat mitigation
- The provision of new and enhanced semi-natural open space areas within the development site of approximately 2.5ha along with 1.147km (1,147 linear metres) of new native hedgerows and 132 urban trees that are calculated to provide 4.8ha of habitat for net gain. In addition 1ha of land is being provided off-site at Wideopen (1ha) to deliver net gain (species rich grassland) and compensate for the loss of open space as a result of the development.

4.77 Concerns related to the development include:

- Limited amenity green space provision within the development
- Limited buffer planting to the boundaries (south and west) to provide habitat connectivity
- Loss of hedgerows (shown as UK Priority Habitat) to accommodate the SUDs, drainage and road/footpath widening.
- Disturbance to habitats within the site associated with recreational use, lighting and noise.
- The majority of landscaping within the site being provided is to address net gain requirements. The lack of recreational open space will put pressure on these habitats which are likely to be used as recreational open space areas and subjected to disturbance and degradation. It will also put additional pressure on semi-natural open spaces (Local Wildlife Sites) within the vicinity of the site

Ecological Appraisal (EA) Report:

4.78 The EA indicates that the site comprises a mosaic of managed and unmanaged grassland interspersed with hedgerows, lines of trees, built development and woodland. Habitats on site are considered to be of local value. The site provides opportunities for bats which were recorded at low levels, with the site considered to be of local value to bats. No roosts were recorded within the club house building. A range of nesting bird species were recorded utilising the scrub and hedgerows and areas of open grassland were considered to provide foraging opportunities, although recreational activity on the site may dissuade usage. Due to the nature of the site and its location, other protected species were considered likely to be absent.

4.79 The scheme will result in the loss of habitats of local value within the site including species poor and amenity grassland, sections of native hedgerow, small area of woodland and scrub and some trees. Hedgerows provide valuable and important habitat for wildlife as breeding, roosting, commuting and foraging habitat, particularly for birds and bats. The Bat Survey (OS Ecology) concludes that lines of trees and hedgerows throughout the site provide commuting routes that link the site to potential roosting opportunities in the wider area and the Breeding Bird Survey (OS Ecology) concludes that woodland, scrub and hedgerows on site provide nesting and foraging habitat for birds and are of greatest value during the breeding season. The site was found to support approximately 58 territories of 22 species some of which are UK Priority Species

(Dunnock, Bullfinch, Linnet and Song Thrush) and all of these species were found breeding within the scrub, hedgerow and woodland habitats. The Territory Map shows hedgerows as particularly valuable for breeding birds.

4.80 Overall, the impacts of the scheme include:

- Loss of habitats considered to be of local value
- Loss of a building considered to be of low suitability to roosting bats and two considered to be of negligible suitability.
- Low risk of harm/disturbance to bats should they be present at the time of works.
- Loss/degradation of bat foraging/commuting habitat, through an increase in disturbance, habitat loss and lighting.
- Loss of nesting opportunities to a range of bird species, though both direct habitat loss and disturbance.
- Harm and/or disturbance to nesting birds, should works be undertaken in the breeding bird season (March to August inclusive).
- Low risk of impacts on amphibians.
- Impacts on the minor watercourse to the east as a result of increased run off and potential pollution events.
- Secondary impacts on the designated sites in the wider area as a result of increased recreational activity.

4.81 These impacts will be addressed by a number of measures that will be conditioned as part of the application, including working method statements (CEMP); an appropriate lighting strategy and appropriate planting and habitat creation on and off-site to mitigate impacts and deliver a biodiversity net gain.

4.82 The Ecological Assessment also identifies secondary impacts on designated sites in the wider area as a result of increased recreational activity from the housing scheme and this should be addressed by an appropriate financial contribution (S106) to address ongoing management of these sites in the future. It is understood that a financial contribution for this has been agreed.

4.83 The scheme will also result in increased recreational impacts on designated coastal sites, therefore, a financial contribution towards a coastal management scheme will be required in accordance with the LPA's Coastal Mitigation Strategy.

Arboricultural Assessment:

4.84 The proposed layout will necessitate the removal of nine individually surveyed trees (T33, 43, 35 36, 44, 45 46, 48 and 49), two entire groups of trees (G3 and 12) and sections of two other groups (G9 and G10) and sections of two hedgerows (H2 and H3).

4.85 Three individual trees, one group and two hedgerows that would need sections to be removed were classified as Category B. Five individual trees and three groups of trees affected were classified as Category C. One tree that would need to be removed was classified as Category U.

4.86 Group 3 and Trees 33-36 would need to be removed to construct proposed plots and roads. Trees 44-46, and sections of Groups 9 and 10 would need to be

removed to construct proposed drainage infrastructure. Trees 48, 49 and Group 12 would need to be removed to construct the proposed SUDs basin. Sections of Hedgerow 2 would need to be removed to construct the SUDs basin and access road. A small section of Hedgerow 3 would need to be removed for the maintenance yard access.

4.87 The trees to be removed, 3no individual trees (T46(B) Poplar, 45(B) Poplar and 44(C) Poplar, are protected by the TPO.

4.88 From an arboricultural perspective, the magnitude of impact from the losses required is considered to be low/moderate and post-development tree planting would assist with mitigating the losses required.

4.89 An Arboricultural Method Statement has not been submitted but will be required to ensure that retained trees will be adequately protected.

Boundary Treatment Plan:

4.90 The submitted 'Boundary Treatment Plan' indicates 2m high security fencing along the eastern and northern boundary and a 6m high section (100m) of netting to address issues with golf balls. This fencing/netting is shown adjacent to existing hedgerows which could impact on retained hedgerows and their associated wildlife. Further details will be required via a suitable planning condition, in relation to the specification and location of the fence/netting to ensure its location does not impact the existing hedgerows adjacent or associated wildlife .

Wildlife Corridor

4.91 The site is allocated as open space and is within a wildlife corridor. Planning Policy DM5.7 which states:

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

4.92 The Landscape Plan shows some areas of habitat which are being retained (hedgerows and TPO tree groups) enhanced woodland and newly created habitats including native species rich hedgerows, native woodland structure planting, mixed native scrub, SuDs and some species rich grassland. Whilst the areas indicated for habitat creation and landscaping are limited within the site, with a predominance of built development, the habitats being created provide better quality and diversity of habitat within the site benefitting species identified in the ecology report (breeding bird and bats) for use as breeding, foraging and commuting habitat. The majority of habitats are located to the eastern, central and southern areas which, due to limited space, will function for both biodiversity and recreational use and are likely to be exposed to disturbance as a result of lighting, noise and recreational activity (i.e dog walking) in these areas. The applicant has tried to mitigate this by providing hedgerows and scrub planting to protect some areas from disturbance (e.g around the SuDs area) and a lighting

condition can be imposed to ensure lighting adjacent to semi-natural areas is designed to reduce light spill to these areas.

4.93 Habitat provision around the western and south-west boundary is limited, where habitats would be less disturbed and provide better connectivity for wildlife, however, the applicant has used what space is available to enhance these boundaries with native scrub and hedgerow to improve connectivity in these areas. The limitations of space within the site for habitat delivery are addressed by providing 1ha (10,000sqm) of neutral grassland habitat on land at Wideopen to provide an overall biodiversity net gain of 10% as part of the scheme. The land at Wideopen is also within a designated wildlife corridor and the enhancement of this area will benefit the wildlife corridor in this location and provide additional habitat for wildlife

Net Gain/Biodiversity Metric

4.94 Biodiversity net gain for the development will be delivered off-site on 1ha of agricultural land at Wideopen as well as on-site as part of the scheme. The applicant has amended landscape plans to provide better quality habitats within the site (increased native woodland, scrub and wildflower grassland) and has designed some areas to protect landscaping from increased disturbance (i.e around the SuDS area). Additional small areas of planting have been provided along the western and south-west boundaries, to enhance existing landscaping and improve connectivity along these boundaries and 132no. native trees will be provided in areas of open space throughout the site. The information submitted shows that a biodiversity net gain of 10.83% will be achieved as part of the scheme through both on and off-site habitat creation and the habitats being created, if managed and maintained appropriately in the long term, will be more diverse and provide better-quality habitats on both sites. The land at Wideopen is also within a designated wildlife corridor that is connected to mature woodland and local wildlife sites (sacred heart fen and Weetslade country park) and the enhancement of this area with species rich grassland planting will benefit the wildlife corridor in this location and provide additional habitat for wildlife.

4.95 A BNG Measurement Plan has also been submitted and updated showing areas of new and enhanced habitat within the site to meet the requirements of biodiversity net gain. This shows the locations and extent of both retained and enhanced habitat as well as proposed new biodiversity habitat within the site.

Landscape Plan

4.96 The revised Landscape Masterplan (DWG no: 5962-99-01 Rev L) includes native woodland and scrub, wildflower grassland, native hedgerows, and a SuDs area that contains wet grassland, scrub and hedgerows. Plans have also been amended to include additional planting along the south-west, western and northern boundaries to strengthen boundary planting and provide improved connectivity as well as additional hedgerow trees and boundary planting around the SuDs to reduce disturbance to this area. The masterplan also shows that a large number of standard tree planting will be incorporated within the curtilages of the properties and within open space areas. Section 131 of the NPPF ensures that new streets are tree-lined and although these are not included in the highway as required by the NPPF, the trees will provide a 'tree lined' effect in the streetscape.

Open Space

4.97 Open Space is protected by Local Plan policy DM5.2 which states:

The loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or,
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or,
- d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

4.98 Policy S5.1 Strategic Green Infrastructure of the local plan states 'The Council will seek the protection, enhancement, extension and creation of green infrastructure in appropriate locations within and adjoining the Borough which supports the delivery of North Tyneside's Green Infrastructure Strategy. Where deficiencies in the quality of green infrastructure and in particular types of green infrastructure are identified in relevant up-to-date evidence, improvements will be targeted to those areas accordingly'.

4.99 An open space assessment has been submitted and considered Local Plan Policy DM5.2 which requires only one of the exceptional circumstances to be fulfilled for the loss of any part of the green infrastructure network to be considered. The open space assessment claims to have demonstrated that the redevelopment of the site fulfils all of the four exceptional circumstances outlined within Policy DM5.2.

5.0 Policy DM5.2 also requires "Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections."

5.1 Local Plan policy DM5.2 looks to safeguard green spaces within the borough but, in addition, paragraph 99 of the NPPF also states that existing open space should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

5.2 The submitted open space assessment divides the land up into two areas; Parcel A and Parcel B. Both areas are covered by the Local Plan as designated open space.

5.3 Parcel A consists of the northern section of the site which measures 3.68ha. This area consists of Centurion Park Golf Course Club House, car park and driving range. Parcel B is approximately 6.67ha and comprises of land to the southern section of the site and comprises of a bowling green and pavilion; a

disused artificial grass pitch (AGP); 3 disused multi use games Areas (MUGAs); and vacant land which was formerly used as a playing field.

5.4 With regard to Parcel A, this area has no public access and is accessible only via the Golf Course Club House. With regard to Parcel B, whilst the "main purpose" (Green Space Strategy Paragraph 11.1) of the open space may not be relied upon any more (sport and recreation), the land is accessible by the public (i.e not fenced) and currently being used informally by the community for recreation and dog walking.

5.5 The open space assessment provides information to demonstrate that the criteria set out within Policy DM5.2 can be met and that the loss of open space is surplus to requirement. However, Policy DM5.2 also states that 'permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided'.

5.6 The elements within Parcel A and B (green space, hardstanding etc), regardless of their quality make up over 10ha of open space and defined as opens space within the Local Plan. The quality of these elements is immaterial in terms of how it is viewed by a local community. The site contributes positively to the amenity of the area by providing greenery and the open nature of the site allows for extensive and attractive wide views, however the development will occupy a significant proportion of this green space.

5.7 Section 4.14 of the Open Space assessment states that 'With regards to the informal green space function of Parcel B, this area of the site extends to 6.67ha. However, it is considered that there are also areas within this parcel which are in reality not used for this purpose i.e. the bowling green (used formally and being retained), AGP and MUGAs. With this in mind, Parcel B is only considered to provide 4.18ha of informal green space'.

5.8 The proposed development will provide over 2.5ha of landscaping/informal green space within the application site, including a large number of urban trees in open spaces (132no.) and over 1km of native hedgerows. The 2.5ha comprises the retention of existing landscape features combined with new and enhanced on-site landscaping. In addition, 1ha of enhanced habitat will be provided off-site on land at Wideopen. Although these areas are less in terms of quantity, they provide a range of native habitats that are considered to be an enhancement of current semi-natural habitats within the site.

5.9 If the LPA is minded to approve the application, the following conditions should be attached to the application:-

5.10 Protection of retained trees/shrubs/hedges:

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

replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

5.11 Arboricultural Impact Assessment and Arboricultural Method Statement:
Prior to any works starting on site, (including demolition and all preparatory work), an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' will be required in order to demonstrate that the proposed works are practical and can be undertaken without adverse impacts on retained trees. The Method Statement is to include a scheme for the protection of the retained trees (TPP), in accordance with BS 5837:2012, including the type of protective fencing and signage and details of any construction works and methods of installation required within the root protection area as defined by BS5837:2012 which make provision for protection and the long-term retention of the trees. The AMS is to include details for the installation of underground services, carriage way positions, parking areas and driveways, drainage and SuDs features, lighting, fence posts, installation of kerb lines or any structures within the root protection area and /or specialist foundations. Such areas are to be constructed using a 'No-dig' specification and to include works being undertaken by hand or suitable method such as an air spade along with any necessary ground treatments to deal with compacted areas of soil. Details shall demonstrate that any trenches or excavation works will not cause damage to the retained trees and /or root systems of the trees No services shall be dug or laid into the ground other than in accordance with the approved details. Thereafter all construction and excavation works shall be implemented in accordance with the approved details. Any variation to the approved AMS and TTP should be submitted in writing for approval.

5.12 Ground Level changes:

Details of any changes in ground level, including existing and proposed levels and any retaining structures required within the root protection area as defined by BS5837:2012. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. Any excavations within the RPA are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.

5.13 Tree Protective Fencing:

Prior to the commencement of any site clearance works in connection with the development hereby approved (including demolition/excavation works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations in the Tree Protection Plan (TPP) to be submitted. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

5.14 Implementation of Tree Protection during development :

All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement (to be submitted), BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'

5.15 TPO Replacement Tree(s):

Details are to be submitted for approval relating to the number of protected trees to be removed and their replacement. Trees are to be replaced on a one for one basis at a minimum 14-16cm girth unless otherwise agreed with the LPA. If within a period of five years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, unless otherwise agreed in writing with the Local Planning Authority.

5.16 Prior to the occupation of any dwelling, all trees on the site shall be subject of a post-construction re-assessment of the trees that documents locations, condition, and any immediate or expected future requirements, to be undertaken to safeguard the TPO on the site.

5.17 Arboricultural supervision:

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the approved Arboricultural Method Statement. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction

5.18 Lighting:

Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. The lighting scheme shall include the following information:

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

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

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

5.19 Landscape scheme:

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan for 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 Biodiversity Net Gain Assessment Report/Biodiversity Metric (OS Ecology January 2023). The landscape scheme shall include a full specification for all new tree, shrub, hedgerow and wildflower planting and shall be implemented in accordance with the approved details within the first available planting season following the approval of details by an approved contractor. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

5.20 Ecological Management & Monitoring Plan:

Prior to the commencement of any development, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) 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 details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. 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 details of the following:-

- Details on the creation, enhancement and management of all habitats identified within the Net Gain Report/Biodiversity Metric (OS Ecology January 2023) and approved Landscape Plans/Strategies
- Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report (OS Ecology January 2023). 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 condition. 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 Biodiversity Net Gain Report/Biodiversity Metric.

5.21 CEMP:

All works will be undertaken in accordance with an approved Construction and Environmental Management Plan (CEMP) that includes; Method Statements for protected species (breeding birds, bats, hedgehog and amphibians); appropriate working methods and details of works that will be overseen by an Ecological Clerk of Works (ECoW). Details shall be submitted for approval by the LPA prior to works commencing on site.

5.22 Birds:

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 on site.

5.23 Bird Boxes:

22no. bird boxes/features that include a range of features for various species, will be integrated into new buildings and suitable habitat locations within the development site. Details of bird box/features specifications 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.

5.24 Bat Boxes:

15no. bat boxes/features will be integrated into new buildings and suitable habitat locations within the development site. Details of bat box/features specifications 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.

5.25 Mammal Protection:

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°.

5.26 Hedgehogs:

Hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme. Details of the locations and specification of the hedgehog gaps shall be submitted to the LPA for approval within 4 weeks of development commencing on site.

5.27 Construction Management Plan:

The contractor's construction method statement relating to traffic management/site compounds/contractor access must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained and retention and protection of woodland, scrub and grassland habitat areas. Cabins, storage of plant and materials, and parking are not to be located within the RPA of the retained trees or woodland areas as defined by the Tree Protection Plan and maintained for the duration of the works.

5.28 Drainage:

Detailed drainage plans, including details of SuDs features (ditches, swales and attenuation ponds) must be submitted to the Local Authority for approval within 4 weeks of works commencing on site. Details will include profiles, cross sections and landscape planting of SuDs features. Any ditches, swales or attenuation ponds will be designed to provide ecological benefits, including appropriate native planting agreed by the LPA.

5.29 Pollution Control:

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

6.0 External Consultees

6.1 Sport England

6.2 (Comments in response to re-consultation, provided 22.11.22):

6.3 Further to Sport England's response dated 11 August, I wanted to provide further clarity about the sport National Governing Bodies (NGBs) that Sport England engaged with and to confirm Sport England's understanding of where the quantitative element of playing field had been replaced.

6.4 Consultation with National Governing Bodies (NGBs):

Sport England consulted with relevant National Governing Bodies and comments about their respective sports were provided by the Football Foundation (on behalf of the Football Association (FA) in consultation with the Northumberland FA), England Golf, England Bowls, England and Wales Cricket Board (ECB) and England Hockey (EH).

6.5 Sport England formalised consultation procedures with the pitch sport NGBs in 2014 in a Memorandum of Understanding. This process has provided additional detail and understanding for Sport England in making statutory responses on the impact of development for sports at both site level and more broadly across a local area. NGB feedback on the planning application suggests measures agreed in 2001 have had mixed results for the respective sports.

6.6 The Proposal and Replacement Playing Field:

The proposed development will result in the complete loss of the disused playing field at the application site amounting to an area of circa 6 hectares. The applicant has set out in an Open Space Assessment how the playing field and associated facilities were replaced following the site being first proposed for redevelopment in 2001. The document is both comprehensive and detailed but contains a number of points which Sport England sought clarification upon. The Assessment's detail has been confirmed and supported by correspondence from the Council's Head of Sport, Leisure and Libraries. The correspondence confirms the Council's understanding of Sport England's requirements for the application site's replacement under playing field policy, and the subsequent measures and schemes that the Council undertook to address them. Housing development did

not proceed at that point in time, but the agreed playing field replacement did, in anticipation of the site being brought forward for development in the future.

6.7 Having reviewed aerial photos, associated planning approvals, and strategy documents, Sport England accepts that replacement playing field of sufficient quantity was created immediately south of the application site (approximately 6.5Ha), and to the west of Churchill Community College (approximately 0.93Ha) meaning that the quantitative test within playing field policy exception 4 has been met.

6.8 Notwithstanding ECB and EH views on how successful the implemented replacement playing field measures have been, Sport England accepts that playing field policy had been addressed to the Council's best endeavours at that time and in accordance with the advice provided by Sport England in 2001. Some of the issues that have become apparent for individual sports are usually highlighted by regular joint working by Sport England, NGBs and the Local Authority on an assessment of the adequacy of playing pitch provision followed by a strategy and action plan to tackle measures identified. The Council's Playing Pitch Strategy is however now 5 years out of date and this application has exposed sports concerns that the Council is acting incrementally without the strategic overview as to the spatial adequacy of pitch provision compared to the needs of the clubs and teams participating in pitch sports. Sport England shares these concerns.

6.9 Again, we strongly urge the Council to commit to working with Sport England and the respective sports NGBs to undertake a new Playing Pitch Strategy for the District.

6.10 (Comments in response to original consultation, provided 11.08.22):

6.11 The Proposal and Impact on Playing Field:

The proposed development will result in the complete loss of the disused playing field at the application site.

6.12 Assessment against Sport England Policy:

This application relates to the loss of existing playing fields and/or the provision of replacement playing fields. It therefore needs to be considered against exception 4 of the above policy, which states:

6.13 'The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.'

6.14 I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 4.

6.15 Assessment of Existing Playing Fields:

The proposal will involve the loss of 6Ha of playing of partly disused playing and a golf driving range. Aerial photos from 2001 show how the site was previously used when fully operational. A tree/hedgerow line running north-south roughly divides the site in two. To the east there was a cricket ground, adult football pitch, a bowling green and a series of floodlit MUGAs. To the west there was a floodlit short pile AGP and a further (under 18s) football pitch.

6.16 Assessment of Proposed Playing Fields:

The applicant has set out how the playing field and associated facilities were replaced following the site being first proposed for redevelopment in 2001. The document is both comprehensive and detailed but contains a number of points which Sport England has sought clarification upon. We have also engaged with the NGBs of the pitches and facilities which the application formerly hosted. Their responses are:

6.17 Football - Wallsend Boys Club was previously user of the application site many years ago, using what were the Leisure Centre's grass pitches. However, the club has since over time developed its own site adjacent to the south for grass pitches, a 3G pitch and pavilion which is earmarked for further development. Consequently, the club ceased using the leisure centre facilities over time in line with the development and growth of its own onsite provision. We are satisfied that the principle of off-site mitigation has been demonstrated as acceptable through previous consents (not acted upon) and that the facilities proposed for loss at the application site have been suitably replaced across three other sites as required of the previous planning consents, one of which was at Wallsend Boys Club directly adjacent.

6.18 Golf - It would appear that the facilities connected to the golf course that are affected as part of this application are being replaced and subject to a separate application which has been approved. On that basis, there are no concerns regarding the loss of facilities outlined in this application.

6.19 Bowls - The application includes retention of the bowling green therefore we have nothing to add.

6.20 Cricket - Wallsend CC used to play there but moved to a school site in 2008 due to poor quality facilities. The site was subsequently used as a site for "Last Man Stands". This ceased around 9 years ago – again because of perceived poor quality facilities. Facilities have not been replaced and local PPS show large local demand for facilities with local residents travelling significant distances to play cricket. Given the above we believe financial contribution into Backworth and Percy Main cricket clubs would be beneficial to help improve their facilities in areas of deprivation.

6.21 Hockey - The AGP on site was formally the home of Tynemouth HC and Whitley Bay HC and was vibrant site both on grass and then with an AGP when the sport shifted to artificial turf. EHs understanding and local intelligence has told us that the site was not maintained or invested into so clubs had no choice but to move away due to the dangerous condition of the surface. If the site were to be brought back into a usable state then clubs would come back. The conclusion of

the document is incorrect for hockey in suggesting that the replacement of the AGP has been satisfied by building a 3G pitch on neighbouring land. 3G is not an appropriate surface for Hockey and cannot be accepted as being suitable replacement. There is a shortfall of Hockey facilities in North Tyneside with clubs being exported to pitches located in Newcastle City Council area and at times even further afield. EH would expect for the replacement of this facility as part of any mitigation for the development of this land. The conclusion of the document is insulting to Hockey by suggesting that the replacement of the AGP has been satisfied by building a 3G pitch on neighbouring land. 3G is not an appropriate surface for Hockey and cannot be accepted as being suitable replacement. There is a shortfall of Hockey facilities in North Tyneside with clubs being exported to pitches located in Newcastle City Council area and at times even further afield. EH would expect for the replacement of this facility as part of any mitigation for the development of this land.

6.22 Having reviewed aerial photos and associated planning approvals, Sport England accepts that replacement playing field of sufficient quantity was created immediately south of the application site, and adjacent to Churchill Community College mean that the quantitative test within playing field policy exception 4 has been met.

6.23 Given the elapse of time it is more difficult to reach a definitive conclusion about qualitative test. The cricket club moved off the site in 2008 as a cricket wicket had also been created at Churchill Community College. Clearly a single wicket is not an adequate replacement for a multi-wicket ground that had its own pavilion and it is noted that Wallsend Cricket Club has not survived the intervening period. Sport England shares ECB's concerns that this may have placed additional strains on remaining local clubs.

6.24 Hockey are correct to point out that the AGP developed at Burnside College cannot be used for hockey as it is has a pile length and infill unsuited to hockey. The Council has subsequently advised that it is ensured (during refurbishment) that the two AGPs at the Parks Sports Centre have remained as short pile surfaces in order to provide for hockey's needs. We note the merger of the two former separate clubs into one entity and England Hockey's claims as to shortage of provision across the district.

6.25 On balance, we consider that playing field policy exception 4 has been met, albeit the passage of time suggests that some measures has proved successful for some sports and less so for others. The Council's Playing Pitch Strategy is now 5 years out of date and this application has exposed sports concerns that the Council is acting incrementally without the strategic overview as to the spatial adequacy of pitch provision compared to the needs of the clubs and teams participating in pitch sports. Sport England shares these concerns.

6.26 Conclusions and Recommendation:

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception 4 of the above policy.

6.27 We would however strongly urge the Council to commit to working with Sport England and the respective sports to undertake a new Playing Pitch Strategy for the District.

6.28 Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

6.29 The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

6.30 Newcastle City Council

6.31 Issue: Flooding

(Comments in response to re-consultation, provided 22.12.22):

The response proposes that Flood Flow Analysis is conditioned and that no objection has been received from North Tyneside LLFA. Newcastle LLFA will contact North Tyneside LLFA to ensure a suitably worded condition is applied to the application. We have no further objection to the proposal.

6.32 Issue: Flooding

(Comments in response to original consultation, provided 29.07.22):

In relation to flood risk, the site is at high risk of surface water flooding. Flooding appears to be contained with the site, which may be providing protection to downstream properties. However, as the site is to be positively drained, a well-designed SuDS can improve flood risk in the area. The drainage strategy is to attenuate surface water in a basin at the low lying south eastern corner of the site before discharge from the site into the Wallsend Burn to the east. The site is downstream of the flood defences in Benfield School that protect properties on Appletree Gardens and adjacent streets.

6.33 This defence should not be affected by the proposal, but the bund at Wallsend Boys' Club in North Tyneside looks as though it would retain any off-site flows from the development. If these flows increase as a result of the development, this would be acceptable for residents on Appletree Gardens and adjacent streets in Newcastle. The proposal will need to ensure that the SuDS are designed to manage the 1 in 100 year storm event with allowance for climate change on site and that exceedance beyond this is managed away from properties. The engineering layout suggests there is little in the way of source control SuDS on the site which means overland flows are likely to be generated.

6.34 Newcastle City Council object to the proposal unless and until the applicant has submitted a flood flow analysis (acceptable to North Tyneside LPA) that shows overland flows from the site are not increased as a result of the proposed development.

6.35 Issue: Highways

(Comments provided 16.01.23)

Initially we had objected to this application on the following basis.

The Transport Assessment submitted with the application has been reviewed. It is considered that the Transport Assessment should be updated to include baseline survey data in the vicinity of the site access. The proposed access arrangements for the development make use of the existing access from Rheydt Avenue, this will be the main access for the development. The trip distribution appears to be suggesting that traffic travels via Rutland Road to the east of the access. The Transport Assessment assumes that no trips are predicted to go through the Walkerville estate. We have concerns that this would not be correct. Some vehicles would use Appletree Gardens unless there is something preventing them from doing so. The Transport Assessment states that trips generated by the development will dilute across three directions, with the majority heading either east or north to access the Coast Road. The Transport Assessment does not include any junction capacity assessments. Newcastle City Council object to the proposal unless and until the applicant has submitted details of what measures are proposed to deter vehicles from travelling through Walkerville estate

6.36 A revised TA was submitted in October 22. However, it still does not route any traffic via Appletree Gardens. NCC's Local Highway Authority (LHA) cannot accept that no vehicles would use either Appletree Gardens (accessed via Rutland Road or Forrest Road) as a route towards Benfield Road or Shields Road. We already know there is a through traffic concern on Appletree.

6.37 NCC's Traffic Management team have suggested the area here is suitable for Low Traffic Neighbouring scheme (LTN) or a Safer Cleaner Greener Neighbourhood scheme. Applewood Gardens is not shown as either a Primary or Secondary Route on the Council's Adopted Road Hierarchy. In the October 2022 Cabinet Paper the area is shown as a potential area for development in Phase 4 of the programme (beyond current funding).

6.38 On this basis our objection remains unless mitigations in the form suggested above are provided at the Developer's expense which would prevent development traffic (and other through traffic) using residential streets in the City to access the wider road network. It could also be argued that this would help to encourage and actually facilitate the use of active modes of transport - including towards Walkergate Metro Station which is acknowledged in the TA as being the closest Metro Station and within walking distance of the site (certainly also cycle distance). This route would be preferred to one proposed linking to the Benfield Road via a footpath to the north of the site proposed in the TA (although that should also be provided in my view).

6.39 On further inspection closures of both Rutland Road and Forrest Road at the border in conjunction with the existing closure at the southend of Oakland Avenue would achieve this but other locations are also possible. If these closures are provided, then it would go a long way in the creation of a LTN in the area.

6.40 We had originally asked for up to £100,000 as there were four potential places where model filters would be required but in the light of further examination two will be sufficient. In terms of cost based on our experience of

existing LTN's a ballpark figure of £25K seems a reasonable figure per site. So, we can reduce our ask to £50k to deliver both.

6.41 The Coal Authority

6.42 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.

6.43 Tyne and Wear Archaeology Officer

(Final response provided 06.01.23)

6.44 The applicant has provided a report on archaeological trial trenching carried out in November 2022 by AD Archaeology, following the previous submission of an archaeological desk based assessment carried out in 2021 (HER event 5309 report 2021/94), and a report on an Archaeological Geophysical Survey carried out in September 2022 (HER event 5324 report 2022/34).

6.45 The trial trenching was carried out according to a specification provided by Tyne and Wear Archaeology in the available parts of the proposed development area, consisting of the north-east, south-east and south-west quadrants, and excluding the north-west quadrant which is currently in use as a driving range. A second phase of trial trenching will be required to evaluate this area.

6.46 The trial trenching identified two curvilinear features representing wall slots from a sub-circular structure, probably from either a prehistoric roundhouse or a fenced enclosure, in Trench 6. The remains of Coxlodge Waggonway and its successors were identified in Trench 2. The report recommends further archaeological investigation of these features. I consider the archaeological remains to be of regional significance and I agree with this recommendation. AD Archaeology have provided a Written Scheme of Investigation for this work to Tyne and Wear Archaeology, which is consistent with the NPPF requirement for developers to record and advance understanding of the significance of any heritage assets to be lost (para 205).

6.47 The remaining archaeological work consisting of a second phase of trial trenching and further investigation of the features in trenches 2 and 6 can be secured with the suggested conditions (as set out in the committee report).

(Response provided 05.01.23)

6.48 I have reviewed the report, and I agree with that further work is required in relation to the probable prehistoric features in trench 6, and Coxlodge Wagonway in trench 2. There is also the remaining trial trenching in the northwest quadrant to do. AD Archaeology have submitted a Written Scheme of Investigation (WSI) to me which is fundamentally sound. I have adapted the standard conditions, as attached, to accommodate the remaining trial trenching, and the further work, and some of Bellway's request re phasing for each phase of construction:

1 Archaeological Excavation and Recording Condition (Phase 1)

No groundworks or development shall commence in Phase 1 until a programme of archaeological fieldwork (to include evaluation and where appropriate

mitigation excavation) has been completed. This shall be carried out in accordance with a Written Scheme of Investigation approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

2 Archaeological Post Excavation Report Condition (Phase 1)

The building(s) in Phase 1 shall not be occupied/brought into use until an assessment report of the results of the archaeological fieldwork undertaken in pursuance of condition (1) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

3 Archaeological Excavation and Recording Condition (Phase 3)

No groundworks or development shall commence in Phase 3 until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a Written Scheme of Investigation approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

4 Archaeological Post Excavation Report Condition

The 150th completed dwelling shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions (1 and 3) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

5 Archaeological Publication Report Condition

The 190th completed dwelling shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results

will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

(Response provided 03.11.22):

6.49 Following the previous submission of an archaeological desk-based assessment carried out in 2021 by AD Archaeology (HER event 5309 report 2021/94), the applicant has submitted a report on an Archaeological Geophysical Survey (HER event 5324 report 2022/34). Subsequently Tyne and Wear Archaeology have provided a specification for archaeological trial trenching. This has been under discussion with the applicant's archaeological contractor, AD Archaeology, and a programme for evaluating the site is now in place. As not all of the site is currently available for archaeological fieldwork, it is not possible to carry out all of the trial trenching prior to determination of the application, and I have therefore requested that conditions should be applied to any consent (email of 13 October 2022).

(Response provided 13.10.22):

6.50 Regarding my comments on this application, the applicant has commissioned an archaeological contractor to carry out trial trenching, but they are having major problems with access as the current occupants of the site want to keep the driving range and cricket pitch in use and avoid damage, and the area around the clubhouse has live drainage.

6.51 In view of this I would like to revise my comments to allow trial trenching post-determination to be secured by conditions

6.52 Northumbrian Water Limited

6.53 At this time the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We therefore request the following condition:

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

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

6.55 How to Satisfy the Condition

The applicant should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

6.56 Northumbria Police

6.57 In July Northumbria Police offered the following comment:

6.58 Boundary Treatments

I have noted the Design and Access Statement (DAS) makes mention of Secured by Design (SBD) and that “the development broadly accords with Secured by Design principles”. It is disappointing therefore to see (as per the Boundary Treatment Plan (Drawing No. SD-10.03) the sub-divisional fencing is a 900mm high post and rail fencing. This type of fencing does not deter or prevent anyone from unlawfully moving from one garden to another. I would recommend a sub-divisional boundary of 1.8m high fence, which could consist of a minimum 1.5m solid fence with 300mm of trellis topping.

6.59 It is therefore disappointing that the applicant persists (see drawing SP-10.33) with a style of sub-divisional fencing that will do nothing to offer security for the residents. Over recent years developers have increasingly made reference to Secured by Design but fall short of adopting it, and that of course is their privilege, but the Applicant espouses secured by design principles but submits a layout design that has Plots 94 to 139 backing onto open ground and 215 plots with inadequate sub divisional boundaries.

6.60 Design Quality Supplementary Planning Document May 2018 states that :

6.61 Boundary treatments can help to contribute towards the character of an area, improve the public realm and contribute towards natural surveillance and safety. Boundary treatments are an important feature of a property whether to its front, side or rear. It encloses not only the buildings but the space between the buildings which is often a road or street. Corner properties require careful consideration to avoid a monotonous and scene; sensitive planting can be used to make street corners more attractive.

6.62 In considering the design and siting of boundary treatments, a balance has to be struck between privacy, safety and security and aesthetic considerations. Boundary treatments should relate to the property that it surrounds and be appropriate to the appearance, style and scale of the building and street scene.

6.63 This development is on the D3 Policing sector, where in 2021/22 there were 196 Burglaries and in the first seven months of 2022/23 there have already been 103. It is our position that the Applicant has to do more than play lip service to Secured By Design and deploy 1.8m close boarded fencing.
Reason: To accord with Para 92(b) and 130(f) of the NPPF

6.64 Newcastle International Airport

6.65 The Airport has the following comments to make in relation to the proposals.

6.66 Bird Strike Risk Assessment:

6.67 Given the proximity of the site to flight paths, and the proposed SUDS, the Airport previously requested that a Bird Strike Risk Assessment should be undertaken to inform the development of the scheme. The Airport welcomes the fact that this has now been submitted as part of the application. The Airport accepts the findings of the report and that the SUDS element, landscaping

features, construction phase and building design are not likely to attract and support hazardous birds that could detrimentally impact the Airport's operations.

6.68 Physical Development:

Given the location of the proposed development, NIAL would request that a crane method statement is produced for any crane or construction equipment that is over 90 metres in height and this should be conditioned upon planning decision.

6.69 Cranes used during operation may be a physical hazard to airlines, as well as potentially impacting on protected navigational surfaces. In order to assess this, NIAL require the ground height of the site and an indication from the developer what the maximum height of the cranes will be.

6.70 NIAL request that a crane method statement is produced for any crane that is over 90 metres in height, and we request that this is conditioned upon planning decision.

6.71 As the crane could present a collision hazard to low flying aircraft, it is essential that any crane above 90m in height is suitably lit and is identified on airspace maps. The highest point of the crane should also be fit with a 2000 candela steady red obstacle light. The light should be illuminated at all times during low light conditions. If a crane or other construction equipment over 90m in height is required, it is requested that the jib is only in the raised position during use, the Airport's air traffic control service is informed before use, should be fit with lighting, and work should cease during poor visibility and cloud ceilings. The crane will need to be fitted with red obstacle lights and fitted with red steady obstacle lights. The lights should be located at the highest point on the structure and be lit at all times when the jib is in the raised position. The crane method statement should at least set out the following:

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid each time the crane is raised and should be communicated with ATC;
- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD;
- The type of crane/equipment;
- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;
- The intended dates and times of operation;
- Applicant's name and contact details.
- Proposed obstacle lighting to be installed (Low intensity steady red obstacle lights should be used).

6.72 Landscaping:

The Airport accepts the analysis made within the Bird Strike Risk Assessment submitted as part of the application. The assessment states that 'at this distance from the airport, and in this location, any arboreal or small flocking species attracted to the landscaping aspect of this design will not impact on the bird strike risk to aircraft operating out of the Airport.' While the application site sits within the aerodrome buffer zone, the Airport accepts the analysis of the report and

does not wish to raise an objection to the outline landscaping proposed as part of the plans. The Airport does request to be consulted on any future discharge of condition application in relation to the proposed landscaping of the site.

6.73 SUDS:

It is noted that SUDS in the form of a SUDS basin is proposed. Therefore, the following advice on drainage and open water should be taken into consideration.

6.74 There is a general presumption against the creation of open water bodies within 13 km of an Aerodrome, which in relation to this scheme is Newcastle International Airport. This is due to the increased likelihood of bird strike as a result of habitat formation within close proximity to the flight path, when aircraft are typically flying at lower level having departed or preparing for arrival at the aerodrome. Within the Bird Strike Risk assessment it states that the SUDS system will collect surface water run-off from the site during a rainfall event and then release the water off site at a slower rate. Permanent water is not proposed in the SUDS basin as this will drain after the rainfall events. The basin is also designed to have a natural appearance and will be planted with reeds, wet grassland and wetland trees. As such the basin will be generally dry. Planting of trees such as willow and alder, and of Common Reed, *Phragmites australis*, will help to further decrease the visibility of any open water present and exclude the larger hazardous waterbird species which require a larger area of open water to be present. The Airport accepts that the measures introduced would mitigate any potential increase to the site of hazardous birds. The Airport wishes to be consulted on any potential future discharge of condition application in relation to SUDS details.

6.75 Lighting:

All street lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead. This should be conditioned as part of the planning permission.

6.76 Natural England

6.77 (Response received on 08.11.22 following re-consultation on revised information):

Natural England has previously commented on this proposal and made comments to the authority in our response dated 18 July 2022 Reference number (399772).

6.78 The advice provided in our previous response applies equally to this additional information. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

6.79 (Original Response received on 18.07.22):

6.80 Designated sites (European) – No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

Natural England considers that this advice may be used for all applications that fall within the parameters detailed below:

6.81 This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Northumbria Coast Special Protection Area (SPA). It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.

6.82 Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development. The strategic solution may or may not have been adopted within the local plan but must be agreed to by Natural England.

6.83 Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

6.84 However, the application of these measures to avoid adverse effects on site integrity from recreational impacts associated with development proposed within the relevant ZOI should be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). In this regard, Natural England notes the People Over Wind Ruling by the Court of Justice of the European Union that mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment.

6.85 Providing that the appropriate assessment concludes that the measures are secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other likely significant effects identified (on this or other protected sites) as requiring to be considered by your authority's appropriate assessment, Natural England indicates that it is likely to be satisfied that your appropriate assessments will be able to ascertain that there will be no adverse effect on the integrity of the European Site (from recreational pressure in view of its conservation objectives). Natural England will likely have no further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

6.86 Northumberland Wildlife Trust

6.87 (Comments in response to original consultation, provided 25.07.22):

We would like to submit a holding objection to this application, due to a number of important points which have not yet been addressed in the Ecological Appraisal or any other document. We also have concerns about the overall reduction in green space.

Information which this application is currently lacking includes:

1. A Biodiversity Net Gain assessment. The Planning Statement mentions that the north-east corner includes an area identified for Biodiversity Net Gain enhancements, but unless these enhancements are detailed in full, it is impossible to judge their impact for wildlife.

Moreover, many of the mitigation recommendations in the Ecological Appraisal are very vague, for example, habitat being “retained where possible” (p.28) and a “discussion with LPA with regards to an appropriate conservation strategy to achieve a “net gain” for biodiversity” (p.29). These mitigation measures are sensible, and welcomed; however, until their details are published, overall judgement cannot be made on their scope or impact.

The North Tyneside Local Plan states in Policy DM5.5 that

“All development proposals should:

(c) Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.”

A full Biodiversity Net Gain report is therefore imperative to assess whether this proposal adheres to the North Tyneside Local Plan in providing net gains to biodiversity.

2. Any detail on the nature of the green space to be created as part of the development. The structure and species composition of green space, as well as its connectivity to other habitats, are crucial factors in determining how well it can be used by wildlife for food and shelter. A detailed plan of the layout of the planting and landscaping, with the species to be planted, is therefore necessary to determine how much benefit to wildlife this green space will provide.

Native tree species should be prioritised, including species with blossom and berries such as wild cherry (*Prunus avium*), rowan (*Sorbus aucuparia*) and hawthorn (*Crataegus monogyna*). Areas of grassland should be sown with native, locally-sourced meadow seed and allowed to grow long to provide habitat and forage for invertebrates and mammals. The proposed SUDS area should be planted with locally-native wetland species to attract invertebrates.

3. Results of further species surveys, including for birds, bats, badgers, hedgehogs and common toads. The Ecological Appraisal mentions that these surveys are still ongoing; this is understandable given the time of year, but an accurate assessment of the impacts the development will have on these species cannot be done until these results are available.

4. An assessment of the effects of increased visitor numbers on local parks and reserves, many of which are designated: in particular, Wallsend Dene (LNR/LWS), Jesmond Dene (LWS), Rising Sun (LWS), Cochrane Park (SLCI) and Richardson Dees (SLCI). Increased erosion from footfall, dog fouling and disturbance of wildlife are some of the main causes for concern here. This issue is acknowledged within the Ecological Appraisal, but no suggestion is made as to how it may be alleviated.

5. Details of mitigation against the potential for water pollution. This is another problem mentioned in the Ecological Appraisal, without detail of how it may be countered.

6.88 NWT also has reservations regarding the loss of green space. The North Tyneside Local Plan Policies Map recognises that a Wildlife Corridor runs through the area, incorporating the development site. Given that much of the rest of the corridor to the south and west of the development site is structureless amenity grassland, it would seem prudent to add more than a boundary hedge and some narrow patches of trees, if a useable corridor of habitat is to be protected. This would be in keeping with the Council's Local Plan, which states in Policy S5.4 that "Priority will be given to:

- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links".

6.89 Moreover, Paragraph 8.27 states that:

"Wildlife corridors are important features that should be protected, enhanced and created, to protect and promote biodiversity and to prevent fragmentation and isolation of species and habitats."

6.90 The site as it currently stands contains scrub and open brownfield areas, which are valuable habitat for nesting and foraging birds, and for foraging and basking pollinators. Again, the proposed habitat creation does not seem sizeable enough to replace this, and the plans for what form it will take are insufficient.

6.91 A reduction in open space is also detrimental to people, particularly within the only area of publicly-accessible green space in the west end of the Ward. All of the proposed new green space is also at the east end of the site, with none at all planned for the western half and no apparent way out on the western or southern sides. The closest informal green spaces are Richardson Dees Park and Iris Brickfield, neither of which are within a kilometre of the proposed development via walking routes.

6.92 Engagement with nature and time spent in green space can improve people's physical and mental health as well as their respect for the natural environment. With this in mind, the claim made in Paragraph 4.8 of the Open Space Assessment that the site is "of limited quality, value and function" as informal green space does not seem well supported; even less so the claim that it would be replaced as part of the development, given the reduction in size and the fragmentation of the proposed open space. As the surrounding land consists of sports pitches and a golf course, this is the only informal green space where local residents are free to roam and engage with the natural world. Finally, the claim that the site is no longer utilised or valued as informal recreational space is rather negated by claims in the Ecological Appraisal that "regular recreational use is likely to dissuade" use of the site by ground-nesting birds.

6.93 When a detailed analysis of the predicted impacts of this development on local wildlife becomes available, alongside well-considered plans for the mitigation of these impacts, Northumberland Wildlife Trust will be grateful for the opportunity to make further comment.