

Application No: 22/00885/FUL

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Target decision date: 19 July 2022

Ward: Collingwood

Application type: full planning application

Location: Moorlands, Murton Lane, Murton, NEWCASTLE UPON TYNE, NE27 0LR

Proposal: Demolition of existing dwelling house and construction of 7No. new dwellings (additional information received 31.10.2022 and 01.11.2022)

Applicant: Northumbria Homes Ltd

Agent: IDPartnership Northern

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 and any subsequent addendum(s); and,**
 - 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 affordable housing provision and a Coastal Mitigation Contribution to mitigate for the impacts on the Northumbria Coast Special Protection Area.**

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- Principle of the development;
- Impact on the character and appearance of the area,
- Impact upon the amenity of existing and future residents,
- Impact on highway safety;
- Impact on biodiversity, including the Local Wildlife Site (LWS) and wildlife corridor;
- Other issues.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The application site is located on land immediately adjacent to the west of Murton Lane. The site consists of a detached residential property with associated landscaping including grassland, hedgerows and until recently, large mature trees to the entrance of the site. The property has suffered from fire damage and vandalism. An open grassed area is located to the west. To the south there is a dressage arena/paddock, stable block and associated grazing. To the north there is a Public Right of Way (PRoW). To the east of the site, beyond Murton Lane, is Murton Nurseries. The wider area surrounding the site is agricultural land.

2.2 Murton Village is located to the northeast of the site.

2.3 The application site is located within an area designated as a Strategic Housing Allocation – Murton Gap (Sites 35 to 41). However, it is clear from the Land Interests Plan included in the Murton Gap Masterplan that this site is excluded as it is not in the ownership of the consortia. It is also excluded from the Landscape Strategy in the Masterplan.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to demolish the existing dwellinghouse and construct 7no. detached residential dwellings.

3.2 Two house types are proposed. Each dwelling would be two storeys and accommodate four bedrooms. House type 1 would accommodate an integral garage. A detached garage would serve House type 2.

3.3 Other infrastructure includes access from Murton Lane, associated landscape and drainage works.

4.0 Relevant Planning

4.1 Application site

80/01782/FUL - Domestic dwelling, addition as breakfast room – Permitted 05.11.1980

83/00187/FUL - Porch, lounge, conservatory, greenhouse, hobbies room and double garage – Permitted 15.03.1983

03/02164/OUT - Erection of one single storey dwelling – Refused 16.09.2003

4.2 Adjacent land – strategic allocation Murton Gap

23/00241/FULES - Residential development of up to 2, 700 dwellings comprising: Full planning application for 508 residential dwellings, a new spine road, road bridge, and associated highways, drainage infrastructure and landscaping. Outline planning application sought for up to 2,192 dwellings, a 2-form entry

primary school, up to 1000sqm of retail floorspace, new metro station and associated highways, drainage, site wide servicing, landscaping infrastructure and demolition works – Pending consideration

4.3 Case officer note: Members are advised that a planning application has been submitted on the land adjacent to this site. This application relates to the wider strategic allocation – Murton Gap.

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

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

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

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

PLANNING OFFICERS REPORT

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

- Principle of the development,
- Impact on the character and appearance of the area,
- Impact upon the amenity existing and future residents,
- Impact on highway safety,
- Impact on biodiversity, including the Local Wildlife Site (LWS) and wildlife corridor;
- Other issues.

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

8.0 Principle of development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF. However, it is clear from paragraph 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)". Except for 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.

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

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

8.4 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In this case, development plan policies important to the determination of housing applications will be regarded as out of date because the LPA cannot currently demonstrate a five-year supply of deliverable housing sites. What is referred to as the 'tilted balance' principle means there is a presumption towards planning permission being granted unless there are adverse impacts which would significantly and demonstrably outweigh the benefits.

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

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

8.7 Paragraph 74 of the NPPF requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing needs where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

8.8 The purpose of the planning system is to contribute to the achievement of sustainable development. This purpose is key to the role of the planning system in the development process. The aims of how the Local Plan contributes towards achieving sustainable development for North Tyneside are set out under Policy S1.1 'Spatial Strategy for Sustainable Development'. This policy sets out the broad spatial strategy for the delivery of the objectives of the Plan.

8.9 Local Plan (LP) Strategic Policy S1.4 'General Development Principles' states "Proposals for development will be considered favourably where it can be

demonstrated that they would accord with strategic, development management and other area specific policies in the Plan.” Amongst other matters, this includes taking into account flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

8.10 The overarching spatial strategy for housing is to protect and promote cohesive, mixed and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to meet the needs of the existing community and to support economic growth of North Tyneside. Strategic Policy S4.1 ‘Strategic Housing’ sets out the broad strategy for delivering housing.

8.11 LP Policy DM1.3 ‘Presumption in Favour of Sustainable Development’ states: “The Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area....”

8.12 LP Policy S4.3 Distribution of Housing Development Sites states: “The sites allocated for housing development are identified on the Policies Map of the North Tyneside Local Plan 2017, including those identified for both housing and mixed-use schemes. The Strategic Housing Land Availability Assessment 2016 outlines that these sites have an overall capacity of approximately 8, 838 homes, assessed as being deliverable and developable over the plan period to 2032.”

8.13 Members are advised that the site is located within the Strategic Allocation – Murton Gap. There are two policies in the LP which are directly related to the Murton Gap Strategic Allocation. These policies are S4.4 (a) and S4.4 (c). The indicative concept plan adopted as part of the LP sets the core principles that future development at Murton Gap should respond to. The approach identified within the concept plan provided flexibility for future development of the Masterplan. The Murton Gap Masterplan and associated guidance was adopted in December 2017 and provides a vision as to how the land included can be brought forward to deliver approximately 3, 000 homes and associated infrastructure.

8.14 It is clear from the Murton Gap Masterplan that this site is excluded from the land required to deliver the vision of the Masterplan. It is officer advice that bringing this site forward for development would not prejudice the delivery of the requirements of the Masterplan.

8.15 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. Members need to determine whether the principle of development is acceptable. It is officer advice, subject to all other matters set out below being addressed, the principle of bringing this site forward for development is acceptable.

9.0 North Tyneside 5-Year Housing Land Supply

9.1 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, 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 3 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).

9.2 It is officer opinion that the delivery of seven residential dwellings will make a small but valuable contribution towards the borough achieving a five-year housing land supply and to meeting the annual housing delivery requirement over the plan period.

10.0 The impact of the proposal on the character and appearance of the surrounding area and the site layout

10.1 Paragraph 126 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 Paragraph 130 of the NPPF states “Decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

10.3 Paragraph 92 of the NPPF, amongst other matters, seeks to promote health and safe communities.

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

10.5 Paragraph 134 of the NPPF makes it clear that development that is not well-designed, especially where it fails to reflect local design policies and government guidance on design, should be refused. Significant weight should be given to development which reflects local design policies etc. and development which promotes high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the surroundings.

10.6 LP Policy DM6.1 'Design of Development' states: "Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces."

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

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

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

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

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

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

a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

10.12 Objections have been received regarding the impact on amenity (visual and residential), the loss of open space, impact on landscape, non-compliance with approved policy, removal of trees, impacts on Green Belt, impacts on the character of a conservation area, out of keeping with surroundings and the amount of development proposed.

10.13 The site is located within the wider strategic allocation, Murton Gap. However, the more detailed plans included in the Murton Gap Masterplan confirm that this site is excluded, and it is not required to deliver any part of the vision set out in the Masterplan. The Murton Gap Masterplan advises that the land to the north of the application site would form part of the wider green infrastructure to serve the strategic allocation and housing beyond. It is not considered that increasing the built form on this site would prejudice the delivery of the required green infrastructure and housing relating to the Masterplan requirements.

10.14 The site currently accommodates a two-storey detached residential dwelling sited on a large plot. It is noted that the dwelling has been subject to fire damage and vandalism. The built form that exists to the east of the site, Murton Nurseries, and to the south, stables, are single storey. Plots 1-3 and Plot 6 and 7 will sit beyond the built development that exists to the south of the site. The proposed built form will be positioned closer to Murton Lane, but it will remain set back from the PRoW to the north of the site. Views of the proposed housing will be visible from the surrounding area; however, it would not result in significant visual intrusion as it is contained within a part of Murton where built development already exists. The most western part of the site will be utilised to facilitate the proposed landscaping and Biodiversity Net Gain (BNG).

10.15 Prior to the submission of this application the mature trees sited along the eastern part of the site have been removed. Members are advised that the removal of these trees did not require consent from the Local Planning Authority (LPA) as they were not protected and not located in a conservation area.

10.16 Plots 1, 2 and 3 create an outward facing development onto Murton Lane. Plots 4-7 are orientated north-south creating an outward facing development onto the road required to service these properties. The rear gardens serving Plots 4-7 would be located to the north of the stables. It is clear from the design comments that the layout of the housing is logical, and the architectural design is acceptable. The surface materials and boundary treatments have been well considered. Soft landscaping has been introduced to the side of Plot 7 which assists in softening the appearance of the rear/side boundary. Conditions are recommended to secure materials, landscape details and details of any external flues, vents and meter boxes.

10.17 The proposed layout demonstrates that the site can accommodate seven dwellings that will have their own private garden and parking provision. Areas of landscaping are also proposed within the site. It is the view of officers that the site is not overdeveloped.

10.18 The existing dwelling is two storeys. The proposed dwellings will be two storeys therefore their height is considered appropriate for this location.

10.19 The Public Right of Way (PRoW) will not be affected as a result of this proposal and it will remain as existing.

10.20 Members need to determine whether the proposed development is acceptable in terms of its impact on the character and appearance when viewed from outside of the site, whether the proposed layout is acceptable and whether bringing this site layout forward would prejudice the delivery of the wider strategic allocation particularly the green infrastructure. It is officer that the proposed site layout and design is acceptable, and it would not prejudice the delivery of the vision set out in the Murton Gap Masterplan. As such, it is officer advice, that the proposed development does accord with the NPPF and LP Policies DM5.9 and DM6.1.

11.0 Impact upon Amenity

11.1 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should amongst other matters; mitigate and reduce to a minimum potential adverse impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

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

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

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

11.5 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents.

11.6 Objections have been received regarding the impact on residential amenity, including noise, dust, dirt, fumes and disturbance.

11.7 The Manager for Environmental Health has recommended 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 neighbouring premises during construction works.

11.8 The proposed dwellings will be located to the north of the stables. Due to the layout of the stables, it is not considered that this development will result in a significant impact on their operation or would affect the amenity of these premises.

11.9 Murton nurseries is located to the east of the site on the opposite side of Murton Lane. Due to the orientation of this building, it is not considered that the proposed layout would affect the amenity of these premises.

11.10 The layout of the development is considered to provide an appropriate standard of living accommodation for future occupiers. Each house will have their own private garden. All units will have adequate windows to provide good levels of light, outlook and privacy. Each unit will have its own parking bay, cycle storage and refuse storage. A condition is recommended to ensure all units will be in accordance with the Government's Nationally Described Space Standards (NDDS).

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

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

12.1 The NPPF paragraph 111 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.2 The NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

12.3 LP Policy S7.3 states that the Council, will support its partners, who seek to provide a comprehensive, integrated, safe, accessible and efficient public transport network, capable of supporting development proposals and future levels of growth.

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

12.5 The Council's maximum parking standards are set out in the Transport and Highways SPD (2022).

12.6 Objections have been received regarding the impacts on the highway network, highway safety and increased traffic movements.

12.7 The site is accessed via Murton Lane. The proposed parking provision and cycle storage meets the Council's standards and there will be an area to turn a refuse vehicle.

12.8 The Highways Network Manager has been consulted. He has not concluded that this development would result in an unacceptable impact on highway safety or the residual impacts on the road network would be severe. He has suggested planning conditions, which in his opinion, will mitigate the impacts of this development.

12.9 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and whether the proposed layout provides sufficient parking. It is officer that the proposed layout is acceptable, and it will not result in a severe impact on the adjacent highway network. As such, the proposed development accords with the NPPF and LP policies DM7.4 and the Transport and Highways SPD.

13.0 Biodiversity

13.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural environment.

13.2 Paragraph 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

13.3 Paragraph 179 of the NPPF states that when determining planning applications LPAs should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 180 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

13.4 Paragraph 182 of the NPPF states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

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

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

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

13.8 LP Policy DM5.9 'Trees, Woodland and Hedgerows' supports the protection and management of existing woodland, trees, hedgerows and landscape features. It seeks to secure new tree planting and landscaping schemes for new development and, where appropriate, promote and encourage new woodland, tree and hedgerow planting.

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

13.10 Objections have been received regarding loss of open space, loss of landscaping, loss of trees, loss of wildlife and the remediation of Japanese Knotweed.

13.11 The Council's Biodiversity Officer and Landscape Architect have been consulted. They have considered the submitted Ecological Appraisal, Biodiversity Net Gain (BNG) Report/Biodiversity Metric 3.1 (V4) and the Tree Constraints Assessment.

13.12 The Ecological Appraisal recorded the following habitats within the site boundary: semi-improved grassland, hedgerows and a stand of Japanese Knotweed at the entrance of the site.

13.13 Surveys for bats in 2021 and a subsequent assessment of the building (post fire) assessed the structure as continuing to provide several potential roost locations for bats. Further surveys were recommended and demolishing the building may require a license may be required from Natural England.

13.14 The Ecological Appraisal advises that the site provides some habitats for birds in the local area with species using the building for nesting and the vegetation within the immediate area for foraging.

13.15 The Ecological Appraisal advises that the site offers suboptimal habitat for great crested newts during their terrestrial phase associated with the grassland and hedgerow which is limited in size and replicated in the local area. There are no areas of standing water on site but there are three ponds and a drainage ditch located within 500m which are buffered from the site by arable land and fields margins. The appraisal recommends eDNA survey of these three ponds, where access is available, to test for the presence of great crested newts.

13.16 The Ecological Appraisal advises that there is a low residual risk badger may pass through the site on occasion, if present in the local area.

13.17 The Ecological Appraisal makes several recommendations to the mitigate the impacts of this development, including the additional survey work requirements for great crested newt highlighted above. These include the requirement for a Natural England EPS License for the demolition of the building and a Japanese Knotweed Working Method Statement. The consultees have put forward appropriate conditions to mitigate the impacts of this development.

13.18 The consultees have advised that the proposed development will deliver a BNG.

13.19 A landscape proposals plan has been submitted. This includes areas of retained and enhanced neutral grassland to the west of the proposed dwellings, 30no. heavy standard trees, native hedge planting, ornamental shrub planting and, amenity grass with open space areas. The consultees have advised that the BNG Assessment and Biodiversity Metric indicates the creation of 'other neutral grassland' as part of the habitat creation within the site, but this is still shown on the landscape plan as 'areas of amenity grass seed mix or existing grassland, made good. It is considered that this can be addressed by imposing a condition to secure a detailed landscape plan.

13.20 Members are advised that the trees within the site that have been removed were not protected and did not require consent from the Local Planning Authority to be removed.

13.21 The submitted Arboricultural Impact Assessment (AIA) has advised that it will not be necessary to remove any trees to facilitate the proposed development but unfortunately, several trees across the site have symptoms indicative of Ash dieback (Trees 1, 6, 7, 8 and group 2) and will need to be managed through their decline. To address tree loss and the potential to lose more trees to Ash Die back, the proposed plans indicate that a comprehensive planting scheme will be implemented to complement the proposed development. However, to maintain tree cover to the northern boundary of the site, where the retained trees are evidencing Ash Die Back, a suitably worded condition for additional tree planting will be applied.

13.22 The Coastal Mitigation SPD enables the council to adequately protect European sites and be compliant with its duties under the Conservation of Habitat and Species Regulations 2017, and the requirements of the NPPF. The application site is located within the 6km buffer therefore it is subject to the higher coastal mitigation tariff. The applicant has agreed to pay the coastal mitigation contribution. This will be secured via a legal agreement.

13.23 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity and landscaping. The proposed development will not result in significant and demonstrable harm to the Northumbria SPA and Ramsar sites and appropriate mitigation can be secured by condition to deal with impacts on protected species and landscaping. As such, it is officer advice, that the proposed development does accord with the NPPF and LP Policies DM5.9 and DM6.1.

14.0 Other Issues

14.1 Flood Risk

14.2 Paragraph 167 of the NPPF states “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment....”

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

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

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

14.6 Objections have been received regarding flood risk and drainage capacity.

14.7 A Flood Risk Assessment (FRA) has been submitted. It confirms that the site is located in Flood Zone 1.

14.8 The FRA advises that the development site is served by an existing private drain that discharges to an off-site combined surface and foul water system. Foul water should discharge to the combined sewer subject to agreement with Northumbrian Water.

14.9 The Lead Local Flood Authority (LLFA) has been consulted. They have advised that the principle of the surface water drainage proposals is acceptable. The applicant will be providing surface water attenuation within the site for a 1in100 year plus 40% increase for climate change via the use of underground storage crates, permeable paving and oversized pipes. The surface water discharge rate from the development will be restricted to 5l/s via the use of a vortex control device and will connect into Northumbrian Water’s sewerage network.

14.10 The LLFA has advised that the site is at potential flood risk from the surface water overland flow from the adjacent agricultural land to the southwest/west. They have requested that a condition is imposed which provides further details on how the proposals will mitigate this flood risk.

14.11 Members need to consider whether the proposal is acceptable in terms of its impact on flood risk. The proposed development will appropriately mitigate its own impacts in terms of drainage and flood risk. As such, it is officer advice, that the proposed development does accord with the NPPF and LP Policies DM5.9 and DM6.1.

14.12 Ground conditions

14.13 Paragraph 183 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation.

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

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

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

14.17 Objections have been received relating to Japanese Knotweed and ground conditions.

14.18 The application site is located within a Contaminated Land buffer zone and a coal referral area.

14.19 The Contaminated Land Officer has reviewed the submitted documents. She has considered the information relating to ground conditions and subject to conditions the site is suitable to develop. A further condition is recommended to deal with the removal of the Japanese Knotweed.

14.20 The Coal Authority has been consulted. The submitted Exploratory Hole Location Plan shows the built development layout clear of the mine entries and their respective zones of influence. On the basis that the mine entry located within the site is proposed to be stabilised, which can be secured by way of condition, the Coal Authority has withdrawn its objection.

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

15.0 Local Financial Considerations

15.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

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

16.0 Conclusion

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

16.2 Specifically, the NPPF states that LPA's should approve development proposals that accord with an up-to-date development plan without delay. However, NPPF also recognises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. It is officer advice that this development is acceptable.

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

16.4 Members need to consider whether the design and layout of the proposal is acceptable in terms of its impact on existing premises and future occupants. It is officer advice that it is acceptable.

16.5 Members need to consider whether this development is acceptable in terms of its impacts on highway safety and whether sufficient parking is provided. 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. It is officer advice that it is acceptable.

16.6 Members need to consider whether this development is acceptable in terms of biodiversity. Subject to securing appropriate coastal mitigation and imposing the suggested conditions the proposal would provide biodiversity net gain, which is encouraged by NPPF. The development would not significantly impact on protected species. It is officer advice that it is acceptable.

16.7 Issues to do with flooding, ground conditions, contaminated land and eradicating Japanese Knotweed can be dealt with via conditions.

16.8 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 officers, the impacts of the development would not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission should be granted subject to a S106 Legal Agreement and conditions.

RECOMMENDATION:

It is recommended that:

- 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 and any subsequent addendum(s); and,**
 - 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 affordable housing provision and a Coastal Mitigation Contribution to mitigate for the impacts on the Northumbria Coast Special Protection Area.**

Conditions/Reasons

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

- Site location plan Dwg No. 001 Rev P1
- Proposed site plan Dwg No. 102 Rev P5
- Proposed Housetype HT1 - Plans Dwg No. 700 Rev P1
- Proposed Housetype HT1 - Elevations Dwg No. 701 Rev P1
- Proposed Housetype HT2 - Plan Dwg No. 702 Rev P1
- Proposed Housetype HT2 - Elevations Dwg No. 703 Rev P1
- Proposed double garage Dwg No. 706 Rev P1
- Proposed single garage Dwg No. 706 Rev P1
- Proposed streetscenes Dwg No. 300 Rev P1

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

2. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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

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

This report must contain the following:

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

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

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

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

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into

account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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

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

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

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

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

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

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

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

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

6. There shall be no demolition activity or vehicle movements to, from or within the site outside the hours of 0800-1800 Monday to Friday, 0800-1400 Saturday with no working on Sundays or Bank Holidays.

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

7. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

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

8. Prior to commencement of demolition and development works on site, a revised Japanese Knotweed Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Japanese Knotweed Management Plan shall include the following:

- Scale drawing clearly identifying the areas infested with knotweed and how this area will be protected prior to demolishing the building.

- Any areas identified with Japanese Knotweed, whether established infestation or new growth to be fenced off and appropriate signage to be placed identifying the areas of Japanese Knotweed, this to prevent unauthorised access and prevent the spread of Japanese Knotweed across the site or off site

- The location and logs of test pits dug to identify the lateral extent the Japanese Knotweed infestation.

- Plan showing laydown area for plant to be used on site, this is not to be within 7m of any identified areas infested with Japanese Knotweed, to facilitate good site hygiene and to prevent the accidental spread of the plant across the site.

- Extreme care must be taken ensure that all equipment used on site is free of Japanese knotweed material before leaving the site to avoid contravening the Wildlife & Countryside Act, 1981. To reduce the risk of contaminating vehicles, excavators with caterpillar tracks must not be used and all plant leaving site must be thoroughly pressure-washed after use or before leaving site. This must be done in a designated area where all washings can be collected and subsequently removed off site as Japanese Knotweed contaminated material. The area to be designated for wash down is to be submitted to North Tyneside Council for approval prior to works commencing on site.

- Submission to North Tyneside Council of the waste disposal site identified to take Japanese Knotweed Controlled Waste.

- Submission to NTC copies of consignment notes (for material classified as hazardous) or waste transfer notes (for material classified as inert or non-hazardous) for any material that is removed off site as waste. It should be noted that the Environment Agency Guidance note advises that, you should only use approved herbicides. It usually takes 3 years to treat Japanese knotweed until the underground rhizomes become dormant. If sent for disposal off-site, the requirements of the EPA 1990 s.34 and the Duty of Care Regulations will have to be complied with in relation to the transfer of the waste. Using certain types or quantities of pesticide could mean that soil or plant material is classified as 'hazardous waste', and then you would need to dispose of it at a hazardous waste landfill. It would also have to be consigned and suitably described under the HWR 2016, which would include giving a description of the pesticide.

-A site plan must be submitted showing haulage route across site, this is to ensure that the safe minimum working distance between infested and non infested areas is identified and adhered to. Any material arising from decontamination procedures must be treated as controlled waste and measures in paragraph 6 be applied. It is good practice to clearly mark out your haulage routes with tape. You should limit access to these areas to vehicles involved in moving Japanese knotweed. You must decontaminate vehicles before they leave the area.

-No Japanese Knotweed material to be shredded as this may cause pieces to become airborne from which viable plants grow, thus causing an offence under Wildlife and Countryside Act 1981.

-Any chemical treatment proposed to be used on site has to be submitted and agreed prior to use on site, this is to prevent damage to trees currently on site that are subject to Tree Preservation Orders.

-Any current spoil heap is to be treated as infested with Japanese Knotweed. It is to be regarded as a controlled waste until such time as proven otherwise.

Due to the nature of Japanese Knotweed and the proven small amount of material required to start new growth (namely 0.7cm) the only way that spoil heap material will be accepted as free from knotweed is to sieve prior to removal or remove the whole stockpile as a controlled waste. Note that the Code of Practice advises Greenhouse trials have shown that as little as 0.7 gram of rhizome material (10 mm in length) can produce a new plant within 10 days. Cut fresh stems have also been shown to produce shoots and roots from nodes when buried in soil or immersed in water. Note that the Code of Practice also advises that If soil containing Japanese knotweed is stockpiled, the material must be stored in a manner that will not harm health or the environment. The stockpile should be on an area of the site that will remain undisturbed. You should clearly sign this area (appendix VII). You should regularly treat Japanese knotweed regrowth with herbicide to avoid reinfestation. As a precaution, you should lay the stockpiled material on a root barrier membrane to avoid contaminating the site further. If rhizome is buried deep, it can become dormant when inside the stockpile and regrow when the apparently clean soil is used for landscaping on the site.

-A minimum of 12 months shall be left between the completion of the knotweed treatment and building works commencing to allow for an accurate assessment of the treatment plan. If any new Japanese Knotweed is identified a new treatment plan is to be submitted and agreed before treatment takes place and before any development works are carried out. This is to prevent the development being affected by Japanese Knotweed and to allow for the successful treatment of the Japanese Knotweed on site without the risk of spreading infested material around the site and ultimately off site.

-After the completion of Japanese Knotweed treatment and prior to any development works commencing North Tyneside Council require the submission of a validation report to include (not exclusively) the following:- Scale plans showing areas and extent of infested areas treated, treatment type, if material disposed of, the landfill destination and a copy of any consignment notes or waste transfer notes, copy of warranty from company to show how long site is guaranteed Japanese Knotweed free.

-North Tyneside Council will also require inspection of the site by Council Officers once treatment is completed and prior to any development; to ensure the site is free from Japanese Knotweed.

The development hereby approved shall only be implemented and carried out in accordance with these agreed details.

Reason: To ensure that the Japanese Knotweed on the site is appropriately dealt with to ensure it does not affect adjacent land and to ensure that the development hereby approved can be constructed having regard to Policy DM5.18 of the North Tyneside Local Plan (2017).

9. No part of the development shall be occupied until the scheme for access has been laid out in accordance with the approved plans. This access 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).

10. No part of the development shall be occupied until the scheme for parking has been 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).

11. No part of the development shall be occupied until the scheme for refuse, recycling and garden waste bins has been laid out in accordance with the approved plans. This agreed level of refuse provision shall be provided prior to the occupation of each residential dwelling hereby approved. 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).

12. Notwithstanding Condition 1, prior to the occupation of each dwelling hereby approved the scheme for cycle storage 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).

13. No part of the development shall be occupied until details of Electric Vehicle (EV) charging has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

14. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy

construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water 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. Cabins, storage of plant and materials, parking are not to be located within the root protection area (RPA) of the retained trees as defined by the Tree Protection Plan or within the neutral grassland field to the west of the site (identified as net gain enhancement area in the BNG Report and Landscape Strategy) and maintained for the duration of the works. The existing Public Right of Way is to remain accessible at all times and shall not at any time be obstructed as a result of the development hereby approved. 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 DM5.7, DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved a detailed drainage design, including a map detailing the surface water flow paths from adjacent agricultural land and details of the appointed SuDS management company, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Thereafter, the surface water drainage shall be installed in accordance with these agreed details prior to any residential unit hereby approved being brought into use and permanently maintained and retained by the agreed management company.

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

16. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

17. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of external features including vents, flues and meter boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

18. No development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details. Reason: This needs to be pre-commencement condition to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

19. No development shall commence until:

-Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the proposed development.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.

20. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.

21. No building demolition works shall commence on site until a Natural England EPS licence has been secured for the works. Thereafter, all works shall be completed in accordance with the requirements of the licence.

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

22. If the building is not demolished within 12 months of the last bat survey (September 2022), an additional survey between May and August will be required to inform a Natural England licence application for the scheme.

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

23. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of integrated bat roost and hibernation features within the new buildings shall be

submitted to and approved in writing by the Local Planning Authority. These details shall include location and specifications of these features. Thereafter, these agreed features shall be installed prior to the occupation of the building on which they are to be installed and shall be permanently maintained and retained.

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

24. No works shall commence on site until eDNA surveys have been undertaken on the three ponds located within 500m of the site as identified within the Ecological Appraisal Report (OS Ecology October 2022). If survey work indicates the presence of great crested newt (GCN), no works shall commence on site until the development has approval under Natural England's District Level Licencing Scheme and details submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

27. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 2no. bird boxes and 1no. bat box to be provided in suitable locations within the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of bird and bat box specifications and locations and a timetable for their implementation. Thereafter the development shall be carried out in accordance these agreed details and shall be permanently retained and maintained.

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

28. Notwithstanding Condition 1, prior to the commencement of any development hereby approved above damp proof course level details of the locations and specification of all boundary treatments, including the locations of the hedgehog gaps (13cm x 13cm) to be provided within any new boundary enclosures within the scheme, shall be submitted to and approved in writing by

the Local Planning Authority. The agreed hedgehog gaps shall be installed at the time of installing the boundary treatment and shall be permanently maintained and retained.

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

29. All trees on the site and adjacent to the site are to be retained. 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 shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the completion of the development hereby permitted shall be replaced with shrubs or hedge plants of similar size and species.

Reason: To ensure that existing landscape features are adequately protected during construction and to ensure local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

30. Prior to any works commencing onsite (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 overhang the site that are to be retained, shall be protected by fencing in accordance with the approved details and locations as described in the Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS). The fencing shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of the development and 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 Planning Authority. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority. Photographic evidence is to be submitted on completion of the installation of the fence.

Reason: These protection measures are required from the outset to ensure that existing landscape features are adequately protected during construction having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

31. The development hereby permitted shall only be carried out in accordance with the Arboricultural Method Statement, Tree Protection Plan, BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

Reason: To ensure that existing landscape features are adequately protected during construction having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

32. All works within the root protection area (RPA) of retained trees involving excavation of soil, including the installation of all services, drainage, construction for vehicular drives, parking areas, installation of drop kerbs, foundations, lighting and other hard surfacing (for example) are to be installed in accordance with the Arboricultural Method Statement (AMS) with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken (Areas of 'Special No Dig Construction' as defined on the revised Tree Protection Plan). Confirmation of the proposed working method shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing onsite. Thereafter, the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that existing landscape features are adequately protected during construction having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

33. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved damp proof course level a fully detailed landscape plan for on-site landscape mitigation 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 and Biodiversity Metric V4 (OS Ecology Feb 2023). The landscape scheme shall include a full specification for all new tree, shrub, hedgerow and wildflower planting and maintenance and include new standard tree planting to Group 3 to replace those tree that may eventually be lost through Ash Die Back. The landscaping scheme shall be implemented in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard (4428: 1989). Landscaping is to be implemented within the first available planting season following completion of the scheme by an approved contractor. Any trees, shrubs or wildflower areas that fail or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: To ensure that appropriate mitigation is secured and to enhance existing landscape features and wildlife populations having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

34. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved damp proof course level, a detailed 30 year 'Management, Maintenance and Monitoring Plan' for all landscaping/habitat creation within the application site shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include long term design objectives, management responsibilities, timescales and maintenance schedules for all landscaped, grassed and paved areas. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The Plan will include the following:

- Details on the creation and management of all target habitats identified within the Net Gain Assessment Report V4 (OS Ecology February 2023) and approved landscape plans for on-site mitigation

- Survey and monitoring details for all target habitats identified within the Net Gain Assessment Report V4 (OS Ecology February 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.

Reason: To ensure that appropriate mitigation is secured and to enhance existing landscape features and wildlife populations having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

35. 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. All external lighting shall be limited to low level, avoiding use of high intensity security lighting. 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: In the interest of visual amenity, protecting ecology and/or highway safety having regard to policy DM5.19 and DM5.5 of the North Tyneside Local Plan (2017).

36. Notwithstanding Condition 1, the proposed dwellings must comply with the housing standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017).

Reason: To ensure appropriate living conditions for future occupiers are provided in accordance with Policy DM4.9 of the North Tyneside Local Plan (2017).

37. Within three months of the date of the decision notice the existing dwelling onsite shall be demolished. Prior to the demolition of the existing dwelling a

Construction Method Statement, including a Japanese Knotweed Method Statement and Exclusion Zone, shall be submitted to and approved in writing by the Local Planning Authority. All materials from the existing dwelling shall be cleared from the site following demolition.

Reason: To remove the existing building from site to improve the character and appearance of the immediate surrounding area having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

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

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

Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

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 a license must be obtained from the Local Highway 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.

The applicant is advised that, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that they should contact the Local Highway Authority 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 no part of the gates or doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

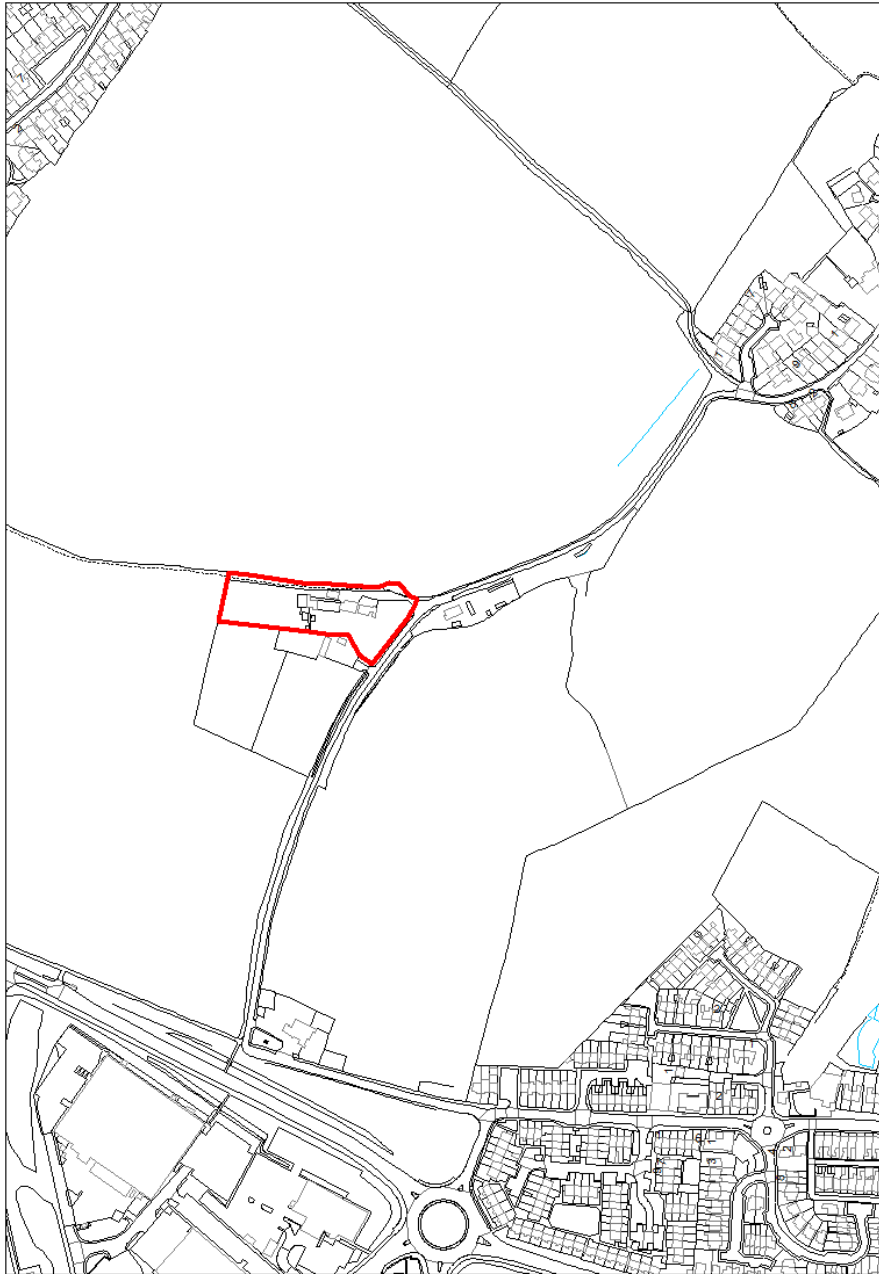
The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme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

Coal Mining Referral Area , (FULH) (I43)

CIL information (I50)

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.



Application reference: 22/00885/FUL

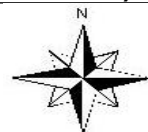
Location: Moorlands, Murton Lane, Murton, NEWCASTLE UPON TYNE

Proposal: Demolition of existing dwelling house and construction of 7No. new dwellings (additional information received 31.10.2022 and 01.11.2022)

Not to scale

Date: 28.03.2023

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Consultations/representations

1.0 Councillors

1.1 Councillor Scargill

1.2 Councillor Scargill has requested that this application is presented at Planning Committee. Details of the application have been posted on social media asking residents for their views. At the time of this request, the post had 41 comments and 9 shares. The online portal also shows the application has 35 objections and no support.

1.3 Although the Moorlands property has become a centre for vandalism, with it even catching fire earlier this year, this application would not be fitting with the landscape. Murton is a village, and the Local Plan specifically includes mitigation to protect the heritage of Murton. It is clear that local residents agree with me that this application is not appropriate for the area.

1.4 I have been informed several residents in the local area would like to speak at the committee about this application. An application as contentious as this would be unfair to pass to officers and, in my view, must go to Planning Committee.

1.5 Officer note: It is noted that the comments refer to residents wanting to speak at Planning Committee. However, the Local Planning Authority (LPA) has not received any speaking requests for consideration.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 The site is accessed via Murton Lane, parking and cycle storage meet current standards and there will be an area to turn a refuse vehicle. Conditional approval is recommended.

2.3 Recommendation - Conditional Approval

2.4 Conditions:

No part of the development shall be occupied until the scheme for access has been laid out in accordance with the approved plans. This access 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).

No part of the development shall be occupied until the scheme for parking has been 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).

No part of the development shall be occupied until the scheme for refuse, recycling and garden waste bins has been 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).

No part of the development shall be occupied until the scheme for cycle storage has been 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).

No part of the development shall be occupied until details of Electric Vehicle (EV) charging has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

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

2.5 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.

The applicant is advised that a licence must be obtained from the Local Highway 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.

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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.

2.6 Manager for Environmental Health (Pollution)

2.7 I have no objection in principle to this application but would recommend condition to control hours of construction and dust mitigation during construction.

HOU04

HOU05

SIT03

2.8 Manager for Environmental Health (Contaminated Land)

2.9 Phase 2 Geoenvironmental Appraisal, 24 September 2020 Page 3

2.2 Site History A 'well' was recorded to be present in the east adjacent to Murton Lane during the 1930s.

2.10 Page 8 - Mine Entries: Topsoil stripping was undertaken to locate mine entry 432570-004 (c. NGR 432349mE and 570602mN recorded by the Coal Authority) within the north of the paddock adjacent to the northern boundary. Removal of the topsoil was undertaken in a methodical manner in strips 1.8m wide and 6m long trending north to south and in a sequential manner from east to west. An area of 560m² was investigated covering the location of the CA recorded position. A circular feature (c. 2m diameter) comprising soft dark grey clay and mudstone was identified approximately 16m ENE of the CA recorded position (c. NGR 432333mE, 570606mW). This feature ties in with a darkened area identifiable on aerial photography (Google Earth©). All other areas proved undisturbed natural glacial clay directly beneath the topsoil.

2.11 4.4 Garden Well: During site reconnaissance, observations around the former well recorded a semi-circular stone feature at ground level. Excavation into this feature revealed wet dark brown organic soils including sandstone and large pottery fragments extending to approximately 1.2m bgl.

2.12 Due to the space restricted nature of this part of the site (mature trees and a telegraph pole anchor point) further excavation of this feature was not possible. Anecdotal information provided by the client confirmed that this was the location of the former well.

2.13 Page 14 8.1 Contamination: The generic risk assessment did not identify any contaminants of concern which may potentially pose a risk to human health for the proposed residential end-use. In the absence of any identified potential pollutant linkages, no remedial measures are considered required.

2.14 Vigilance should be undertaken during site clearance for any areas of contamination not identified during these investigations (i.e. in areas between the investigation locations). Should any suspect soils be encountered, then the advice of a geoenvironmental engineer should be sought immediately to address any remedial requirements.

2.15 Page 15 However, in order to re-use the existing topsoil, additional testing should be undertaken in accordance with YALPAG 'Verification Requirements for Cover Systems: Technical Guidance for Developers, Landowners and Consultants'.

2.16 Page 16 A circular feature in which soft disturbed soils were recorded was located to the west of the Coal Authority recorded position of mine entry 432570-004. Remedial measures to mitigate the impacts to development from this feature will be required. It is recommended that during site clearance that further investigation in this area is undertaken using a 360 excavator to better define the extents of the shaft. Temporary sump pumping may be required due to the presence of water. However, due to the proximity of the public footpath which follows the northern boundary, possible temporary closure of this footpath may be needed to allow safe excavation. Treatment of this feature will include probing to the base and grouting of the shaft annulus followed by the provision of a reinforced concrete cap. It is recommended that probing and grouting are undertaken at the same time to save on additional mobilisation costs. A safe development standoff zone may be required around this entry taken as a c. 10m radius from the centre of the shaft (based on a 2m dia. shaft and a 45-degree angle from bedrock (8.7m bgl) to surface).

2.17 Page 17 9.2 Garden Well The former well recorded on historical mapping has been identified within the garden in the east. Subject to development proposals in this area it is recommended that this feature is grouted and provided with either a concrete cap or (in less sensitive areas) a geogrid to prevent sudden collapse.

2.18 Page 19 10. Additional Works

Based on the findings of the desk study and ground investigation, the following works will be required for planning purposes:

- Further investigation of the known mine entry followed by probing, grouting and capping.
- Completion of the gas monitoring and issue of a final gas risk assessment.
- Carry out additional testing of topsoil in accordance with YALPAG.

2.19 This will require a validation report.

2.20 The results of the preliminary ground gas monitoring indicate that the site may be classified as CIRIA Characteristic Situation 2 (CS2) due to the presence of CO₂ above 5% on one occasion to date.

2.21 Garden Well: The former well recorded on historical mapping has been identified within the garden in the east. Subject to development proposals in this area it is recommended that this feature is grouted and provided with either a concrete cap or (in less sensitive areas) a geogrid to prevent sudden collapse. Approval for the use of a geogrid will need prior agreement with the NHBC and local planning authority. An appropriate development stand-off may also need to be considered for development proposed near the well.

2.22 This will seal off a preferential gas pathway, will this affect the development nearby development. Where is the well in relation to the Japanese Knotweed?

2.23 Hazardous Ground Gas Assessment letter report:

2.24 Gas Protection Measures

2.25 In accordance with BS8485, a residential end use equates to a Type A Building. For CS2 gas conditions, a point score of 3.5 must be achieved for adequate gas protection, which can be achieved from a range of measures as described in Section 7 of the standard.

2.26 In view of the information obtained during this assessment, it is considered that the provision of gas protection measures to new buildings will be required. The assessment has confirmed that a ventilated underfloor void will be required for all proposed plots. It is considered that this, in conjunction with a gas resistant membrane will prevent hazards associated with depleted oxygen from occurring internally within the proposed structures.

2.27 It is recommended that a Gas Verification Strategy is prepared for this site which will set out the proposed gas protection measures, products and validation procedures to be adopted. Such a document will require approval by the Environmental Health Officer at North Tyneside Council prior to the commencement of development.

2.28 If knotweed removed before planning application, then the need to put in additional topsoil testing that any material imported to fill knotweed area to be tested. Dig and dump probably most cost-effective method to deal with knotweed.

2.29 As the report states on Page 15 that in order to re-use the existing topsoil, additional testing should be undertaken in accordance with YALPAG 'Verification Requirements for Cover Systems: Technical Guidance for Developers, Landowners and Consultants', then verification will be required that the additional topsoil testing has been carried out.

2.30 The additional gas monitoring has been carried out and the site was classified as CS2 assessment is required to ensure that any grouting will not have a significant effect on the ground gas regime.

2.31 Due to the additional testing required the following must be attached:
Con 006
Con 007

The following sections of Gas 006 must be applied:

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

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

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

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

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

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

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

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

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

2.32 Due to the Japanese Knotweed on site and its location the following must be applied:

Prior to commencement of development works on site the following is required to be submitted and approved to North Tyneside Council:

A Japanese Knotweed Management Plan to take account of the following:

- Scale drawing clearly identifying the areas infested with knotweed.
- Any areas identified with Japanese Knotweed, whether established infestation or new growth to be fenced off and appropriate signage to be placed identifying the areas of Japanese Knotweed, this to prevent unauthorised access and prevent the spread of Japanese Knotweed across the site or off site.
- The location and logs of test pits dug to identify the lateral extent the Japanese Knotweed infestation.
- Plan showing laydown area for plant to be used on site, this is not to be within 7m of any identified areas infested with Japanese Knotweed, to facilitate good site hygiene and to prevent the accidental spread of the plant across the site.
- Extreme care must be taken ensure that all equipment used on site is free of Japanese knotweed material before leaving the site to avoid contravening the Wildlife & Countryside Act, 1981. To reduce the risk of contaminating vehicles, excavators with caterpillar tracks must not be used and all plant leaving site must be thoroughly pressure-washed after use or before leaving site. This must be

done in a designated area where all washings can be collected and subsequently removed off site as Japanese Knotweed contaminated material. The area to be designated for wash down is to be submitted to North Tyneside Council for approval prior to works commencing on site.

- Submission to North Tyneside Council of the waste disposal site identified to take Japanese Knotweed Controlled Waste.

- Submission to NTC copies of consignment notes (for material classified as hazardous) or waste transfer notes (for material classified as inert or non-hazardous) for any material that is removed off site as waste. It should be noted that the Environment Agency Guidance note advises that, you should only use approved herbicides. It usually takes 3 years to treat Japanese knotweed until the underground rhizomes become dormant. If sent for disposal off-site, the requirements of the EPA 1990 s.34 and the Duty of Care Regulations will have to be complied with in relation to the transfer of the waste. Using certain types or quantities of pesticide could mean that soil or plant material is classified as 'hazardous waste', and then you would need to dispose of it at a hazardous waste landfill. It would also have to be consigned and suitably described under the HWR 2016, which would include giving a description of the pesticide.

- A site plan must be submitted showing haulage route across site, this is to ensure that the safe minimum working distance between infested and non-infested areas is identified and adhered to. Any material arising from decontamination procedures must be treated as controlled waste and measures in paragraph 6 be applied. It is good practice to clearly mark out your haulage routes with tape. You should limit access to these areas to vehicles involved in moving Japanese knotweed. You must decontaminate vehicles before they leave the area.

- No Japanese Knotweed material to be shredded as this may cause pieces to become airborne from which viable plants grow, thus causing an offence under Wildlife and Countryside Act 1981.

- Any chemical treatment proposed to be used on site has to be submitted and agreed prior to use on site, this is to prevent damage to trees currently on site that are subject to Tree Preservation Orders.

- Any current spoil heap is to be treated as infested with Japanese Knotweed. It is to be regarded as a controlled waste until such time as proven otherwise. Due to the nature of Japanese Knotweed and the proven small amount of material required to start new growth (namely 0.7cm) the only way that spoil heap material will be accepted as free from knotweed is to sieve prior to removal or remove the whole stockpile as a controlled waste. Note that the Code of Practice advises Greenhouse trials have shown that as little as 0.7 gram of rhizome material (10 mm in length) can produce a new plant within 10 days. Cut fresh stems have also been shown to produce shoots and roots from nodes when buried in soil or immersed in water. Note that the Code of Practice also advises that if soil containing Japanese knotweed is stockpiled, the material must be stored in a manner that will not harm health or the environment. The stockpile should be on an area of the site that will remain undisturbed. You should clearly sign this area (appendix VII). You should regularly treat Japanese Knotweed regrowth with herbicide to avoid reinfestation. As a precaution, you should lay the stockpiled material on a root barrier membrane to avoid contaminating the site further. If rhizome is buried deep, it can become dormant when inside the stockpile and regrow when the apparently clean soil is used for landscaping on the site.

-A minimum of 12 months shall be left between the completion of the knotweed treatment and building works commencing to allow for an accurate assessment of the treatment plan. If any new Japanese Knotweed is identified a new treatment plan is to be submitted and agreed before treatment takes place and before any development works are carried out. This is to prevent the development being affected by Japanese Knotweed and to allow for the successful treatment of the Japanese Knotweed on site without the risk of spreading infested material around the site and ultimately off site.

-After the completion of Japanese Knotweed treatment and prior to any development works commencing North Tyneside Council require the submission of a validation report to include (not exclusively) the following: Scaled plans showing areas and extent of infested areas treated, treatment type, if material disposed of, the landfill destination and a copy of any consignment notes or waste transfer notes, copy of warranty from company to show how long site is guaranteed Japanese Knotweed free.

-North Tyneside Council will also require inspection of the site by Council Officers once treatment is completed and prior to any development; to ensure the site is free from Japanese Knotweed.

Environment Agency Guidance

"Prevent Japanese knotweed from spreading": Cites the Trade Company Property Care Association this company has produced its own Code of Practice based on current "best practice".

2.33 This Code of Practice states:

2.34 There are various control methods available from companies specialising in Japanese Knotweed management on development sites. You should be careful of products and methods that claim to quickly eradicate Japanese knotweed.

2.35 Design

2.36 Following comments dated 15th July 2022, which raised concerns, further information has been submitted. A revised landscape plan has been submitted which shows replacement tree planting along Murton Lane and to the side of unit 7 to soften the appearance of the rear / side boundary. The design and layout of the proposal is now acceptable.

2.37 Suggested Conditions:

MAT03 Materials of construction

LAN005 Landscape works implementation

Details of external features including vents, flues and meter boxes.

2.38 Lead Local Flood Authority (LLFA)

2.39 I have carried out a review of the flood risk and surface water drainage proposals for planning application 22/00885/FUL, I can confirm in principle the surface water drainage proposals are acceptable. Ideally, I would have required the applicant to utilise the proposed Murton Gap developments surface water drainage systems but as this system is still being designed / formalised this is currently not feasible. The applicant will be providing surface water attenuation within the site for a 1in100yr + 40% increase for climate change, via the use of underground storage crates, permeable paving and oversized pipes. The surface water discharge rate from the development will be restricted to 5l/s via the use of

a vortex control device and will connect into Northumbrian Waters sewerage network.

2.40 I am aware the site is at potential flood risk from the surface water overland flow from the adjacent agricultural land to the Southwest/West as a result I will require further details on how the proposals will mitigate this flood risk.

2.41 I will require the following conditions to be placed on the application.

2.42 Prior to construction:

- Detailed Drainage design.
- Map detailing the Surface Water flow paths from adjacent agricultural land.

2.43 Prior to occupation

- Details of appointed SuDS management company.

2.44 Biodiversity Officer and Landscape Architect

2.45 The above scheme is for the demolition of an existing dwelling house and construction of 7no. dwellings on land to the west of Murton Lane. The proposed development area is located on land immediately adjacent to the west of Murton Lane to Murton village; access to the site is also gained from Murton Lane. The site consists of a detached residential property with associated landscaping including grassland, hedgerows and until recently, large mature trees to the entrance of the site. An open grassed field area is located to the west. There is a stable block and associated grazing land bordering the site to the south and a Public Right of Way (PRoW) to the northeast. The wider area bordering the site area is arable farmland, with the settlements of Shiremoor (northwest), West Allotment (west), New York (southeast) and the Robin Hood (PH) and a large car showroom and garage lying further off to the north. The village of Murton is located a quarter of a mile along Murton Lane to the northeast.

2.46 Pre-application advice has previously been provided for this site (October 2020 20/01119/PREAPP) which advised that the scheme should retain and protect mature trees and hedgerows within and adjacent to the site in line with Local Plan policies, including those on the eastern boundary of the site adjacent to Murton Lane. Unfortunately, many of the trees within the site were not protected and have since been removed.

2.47 Ecological Appraisal

2.48 An Ecological Appraisal (OS Ecology May 2022, updated October 2022) has been submitted to support the application. Habitats recorded within the site boundary include semi-improved grassland, hedgerows and a stand of Japanese Knotweed at the entrance of the site.

2.49 Survey for bats in 2021 recorded the emergence of a common pipistrelle bat from the building and subsequent assessment of the building in May 2022 (post fire) has assessed the structure as continuing to provide a number of potential roost locations for bats. The report recommended that a dusk emergence survey of the structure should be undertaken in order to further assess the presence / absence of a roost following the fire damage. It also advises that demolition of the building may require a Natural England licence and this should be confirmed

following updating activity survey work to confirm the presence / absence of active roosts.

2.50 Dusk emergence surveys were subsequently carried out on the 9th of August 2021 and 15th September 2022 and both recorded the emergence of a single common pipistrelle. In 2021 this was from the gable end on the southern elevation of the building. In 2022 this was from a ground floor window indicating that the roosting location was inside the fire damaged structure.

2.51 No evidence of maternity use of the structure was recorded with the building not heated, however there remains a low risk of maternity use. No evidence of hibernating bats was recorded, however given the nature of the building the risk is considered to be low, with no more than small number of pipistrelles likely to use the structure. Foraging and commuting activity was recorded intermittently throughout both surveys, associated with the old gardens to the east and commuting activity along the tree line to the north primarily.

2.52 The site provides some habitats for birds in the local area with species such as house sparrow and starling likely to use the building for nesting and other locally common species such as wren and blackbird likely to use the vegetation within the immediate area for foraging.

2.53 The site offers suboptimal habitat for great crested newts during their terrestrial phase associated with the grassland and hedgerow which is limited in size and replicated in the local area. There are no areas of standing water on site, although there are three ponds and a drainage ditch located within 500m which are buffered from the site by arable land and field margins. The Report recommends eDNA survey of the three ponds situated within 500m of the site, where access is available, to test for the presence of great crested newts. The site should also be included in the district level licence system for great crested newts in order to mitigate for impacts on the species should eDNA not indicate the absence of the species from the local area. The Report also advises that 'no works on site should take place until the presence of great crested newts has been ruled out through additional survey work'

2.54 There is also a low residual risk badger may pass through the site on occasion, if present in the local area.

2.55 The Impacts of the scheme are assessed as the following:

- Loss of a common pipistrelle day roost location through demolition of the building.
- Loss of additional potential roosting locations associated with the structure due to the proposed demolition works.
- Potential disturbance and harm to roosting bats, should they be present at the time of the works.
- Loss of and/or disturbance to bat commuting and foraging habitat.
- Potential harm and/or disturbance to nesting birds, should vegetation removal be undertaken in the breeding bird season (March to August inclusive).
- Damage to retained trees and vegetation during site works through root severance or asphyxiation.

-Possible disturbance to great crested newts if present in the ponds nearby and if using the habitats on site.

-Potential spread of Japanese Knotweed which is a Schedule 9 invasive species as under the Wildlife and Countryside Act 1981.

2.56 The Report makes a number of recommendations to mitigate the above impacts, including the additional survey work requirements for great crested newt highlighted above. These include the requirement for a Natural England EPS Licence for the demolition of the building and a Japanese Knotweed Working Method Statement. Appropriate conditions shall be attached to the application to address these.

2.57 BNG Report/Biodiversity Metric 3.1 (V4)

2.58 The Biodiversity Metric calculation and BNG Report (OS Ecology Feb 2023) indicate that the scheme will result in the loss of a small area of 'other neutral grassland' (0.05ha) with 0.19ha being retained and enhanced as part of the scheme. In addition, 0.31ha of urban trees will be lost and 0.18ha of vegetated garden. Habitat creation includes 30no. urban trees, of which 23no (0.8ha) are in open space areas, vegetated gardens, 0.04ha (400sqm) of other neutral grassland and 50 linear metres of native hedgerow. Overall, the scheme will deliver a net gain of 10.72 habitat units and 12.37% hedgerow units and is acceptable in accordance with Local Plan Policy and the NPPF.

2.59 Landscape Strategy

2.60 A Landscape Proposals Plan (DWG: c-2101-01 Revision C) has been submitted as part of the application and indicates the following planting:

- An area of retained and enhanced neutral grassland to the west of the development site
- 30no. heavy standard trees with 23no. within public open space within the site.
- Native hedge planting
- Ornamental shrub planting
- Amenity grass within open space areas

2.61 The BNG Assessment and Biodiversity Metric indicates the creation of 400m² of 'other neutral grassland' as part of the habitat creation within the site. This is still shown on the landscape plan as "*Areas of amenity grass seed mix or existing grassland, made good*" instead of 'other neutral grassland' and should be changed in accordance with the Metric/BNG Report as part of the Landscape Plan condition which will be attached to the application. A full planting specification and ground preparation details for all habitats, including the wildflower seed specification for the neutral grassland creation and enhancement will also need to be shown on the updated Landscape Plan as part of the Landscape Plan condition.

2.62 Arboricultural Tree Constraints Assessment

2.63 Preapplication advice was provided in October 2020 which stated: '*North Tyneside Council adopted the Local Plan which sets out a number of policies to ensure sustainable development within the borough. Policy DM5.9 Trees, Woodland and Hedgerows, applies to this site where the Council will support*

strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows.'

2.64 Trees are an important feature of our landscape and contribute to the diverse character and appearance of the local area, offering a sense of place and amenity with regard to the general public's interaction and enjoyment of the immediate and wider area.

2.65 Unfortunately, many of the trees within the site were not protected and have since been removed. A revised Arboricultural Impact Assessment (AIA) has been submitted that surveys the remaining trees on the site in accordance with BS 5837–2012 Trees in relation to design, demolition & construction, with regard to their quality and value (23rd February 2023). Whilst the red line boundary (Figure 1) is incorrect the trees to the northern boundary of the site have been included in the detail of the report.

2.66 The type and size of the root protection area of retained trees has also been calculated and the position of the protective barriers indicated on a Tree Protection Plan (TPP). It will be necessary to have access within the RPA of trees 1-3 and group 2. To avoid compaction damage to the underlying roots during construction ground protection measures as per section 5.2 of the AIA will be required.

2.67 It will not be necessary to remove any trees to facilitate the proposed development but unfortunately, a number of trees across the site have symptoms indicative of Ash dieback (Trees 1, 6, 7, 8 and group 2) and will need to be managed through their decline. To address tree loss and the potential to lose more trees to Ash Die back, the proposed plans indicate that a comprehensive planting scheme will be implemented to complement the proposed development. However, to maintain tree cover to the northern boundary of the site, where the retained trees are evidencing Ash Die Back, a suitably worded condition for additional tree planting will be applied.

2.68 Conditions

No building demolition works shall commence on site until a Natural England EPS licence has been secured for the works. Thereafter, all works shall be completed in accordance with the requirements of the licence.

If the building is not demolished within 12 months of the last bat survey (September 2022), an additional survey between May and August will be required to inform a Natural England licence application for the scheme.

Integrated bat roost and hibernation features shall be provided within the new buildings to address the loss of a bat roost/hibernation site. Details of the number, location and specifications of the features shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on site and will be installed in accordance with the approved plans.

No works shall commence on site until eDNA surveys have been undertaken on the 3no ponds located within 500m of the site as identified within the Ecological Appraisal Report (OS Ecology Oct 22). If survey work indicates the presence of

great crested newt (GCN), no works shall commence on site until the development has approval under Natural England's District Level Licencing Scheme and details submitted to the Local Planning Authority for approval.

External lighting that may affect the site's suitability for bats will be avoided. If required this will be limited to low level, avoiding use of high intensity security lighting.

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°.

Prior to development commencing on site, Japanese Knotweed will be removed in accordance with an appropriate Working Method Statement. Details of the Working Method Statement along with evidence of the removal of Japanese Knotweed, shall be submitted to the Local Planning Authority for approval prior to development commencing on site.

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

2no. bird boxes and 1no. bat box will be provided in suitable locations within the development site. Details of bird and bat box specifications and locations shall be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and shall be installed in accordance with the approved plans on completion of works and permanently retained.

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 Local Planning Authority for approval 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.

The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the Root Protection Area (RPA) of the retained trees as defined by the Tree Protection Plan or within the neutral grassland field to the west of the site (identified as net gain enhancement area in the BNG Report and Landscape Strategy) and maintained for the duration of the works.

All trees on the site and adjacent to the site are to be retained. 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 shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the completion of the development hereby permitted shall be replaced with shrubs or hedge plants of similar size and species.

Prior to any ground being broken on site and 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 overhang the site that are to be retained, shall be protected by fencing in accordance with the approved details and locations as described in the AIA and AMS. The fencing shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of the development and 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 Planning Authority. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the fence.

The development hereby permitted shall only be carried out in accordance with the Arboricultural Method Statement, Tree Protection Plan, BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

All works within the RPA of retained trees involving excavation of soil, including the installation of all services, drainage, construction for vehicular drives, parking areas, installation of drop kerbs, foundations, lighting and other hard surfacing (for example) are to be installed in accordance with the AMS with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken (Areas of 'Special No Dig Construction' as defined on the revised TPP). Confirmation of the proposed working method is to be submitted for approval.

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.

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 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 and Biodiversity Metric V4 (OS Ecology Feb 2023). The landscape scheme shall include a full specification for all new tree, shrub, hedgerow and wildflower planting and maintenance and include new standard tree planting to Group 3 to replace those tree that may eventually be lost through Ash Die Back. The landscaping scheme shall be implemented in

accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard (4428: 1989). Landscaping is to be implemented within the first available planting season following completion of the scheme by an approved contractor. Any trees, shrubs or wildflower areas that fail or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Prior to the commencement of any development, a detailed 30 year 'Management, Maintenance and Monitoring Plan' for all landscaping/habitat creation within the application site shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include long term design objectives, management responsibilities, timescales, and maintenance schedules for all landscaped, grassed and paved areas. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The Plan will include the following:

- Details on the creation and management of all target habitats identified within the Net Gain Assessment Report V4 (OS Ecology February 2023) and approved landscape plans for on-site mitigation.
- Survey and monitoring details for all target habitats identified within the Net Gain Assessment Report V4 (OS Ecology February 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 Local Planning Authority. The Plan will be reviewed every 5 years in partnership with the Local Planning Authority.
- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report.

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.

3.0 Representations

3.1 26 objections have been received. These objections are set out below:

- Loss of privacy
- Loss of visual amenity
- Adverse effect on wildlife
- Affect character of conservation area
- Impact on landscape
- Inadequate parking provision
- Inappropriate design
- Loss of/damage to trees
- Not in accordance with development plan
- Nuisance, disturbance, dust/dirt, fumes, noise
- Out of keeping with surroundings
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Precedent will be set
- Traffic congestion
- Will result in visual intrusion
- Within greenbelt/no special circumstance
- Already 300 homes planned for the nearby area. Perhaps we could leave a little bit of greenery for the wildlife and future generations.
- The pre-application shows a development of ten houses which was reduced to seven houses, with the proviso that the paddock was not to be developed. However, unit 07 and half of unit 06 are actually on the paddock. The original paddock size can be clearly seen on the aerial photograph on the first page of the Design and Access Statement. I know the paddock well as we used it for grazing for fifteen years with the permission of the previous owner.
- I would also query how this development fits in with the Local Plan not long since completed. It had seemed that this area was part of a green corridor for the protection of wildlife.
- Here's a novel idea, instead of building over what's left of our green spaces, try giving something back to nature! Plant some trees, some flowers, maybe a small manmade pond and seating areas. Sick to death of this council riding roughshod over the council taxpayers in North Tyneside! Stop destroying this area, leave our green fields alone!
- The immediate area already has 3000 new houses currently under construction there will be little green space left. The area cannot cope with the excess traffic and yet another entrance on/off the already chaotic New York roundabout.
- Seven dwellings on this site seems to be a substantial number in relation to the size of the area and it is to include vehicle access and parking given there is only a narrow lane into the village. It will also increase traffic on a route which is already pressured, affecting residents of the village and members of the local stables.

- The surrounding site is known for flooding and concerns are shared amongst local residents that this will worsen.
- It will grossly impact the already reduced greenbelt and disturb wildlife alongside ongoing work in the surrounding area.
- Building works will cause a nuisance to neighbours, wildlife and the neighbouring stables in relation to noise dust etc.
- Access into the village will be impacted during the building stage for residents.
- These plans are not in keeping with the surrounding area and greenbelt, will cause a visual intrusion, and spoil the character of the village.
- Murton Village has always been a quiet neighbourhood, recently the lack of care of the derelict building has brought teenagers into the area causing vandalism on the building. I accept that something has to be done but it seems that the lack of care has been on purpose to push through what seems to be a crowded 7 houses on to an already narrow lane into the neighbourhood. The corner where the original property stands is an already very tight bend. I really don't see how having these homes in that space can work.
- I have lived in Murton Village since 1998 I enjoy seeing the open fields with all the wildlife. I am worried that there will be nowhere left for the foxes, there is too much building happening around me.
- The house in question should be restored to how it was with maybe one 3 or 4 bedroom detached house being built that fits in with the rest of the houses in Murton village and should be built from reclaimed brick none of this modern rubbish. Murton should be protected from the urban sprawl. We are currently under attack. We have already lost too much green space and its time we called it a day.
- The land was cleared to allow the property to become vulnerable and become a playground to reckless kids, they have aided in making the property unstable and unsafe in the hope this can be torn down and planning being granted. Had the property, trees, fencing been left alone the property would not have become subject to the amount of abuse that it has. Removing the fencing, trees, hedges has allowed vandals to abuse and set fire to this property on multiple occasions. This property could have been let out to Ukrainian families. There have been multiple fires at this property since February. Turning it into a housing estate is out of keeping with the area, this will impact on the conservation and wildlife. If planning permission is given this will cause noise, dirt, disturbance to wildlife, disturbance to neighbours. The plans are out of keeping with the surroundings and will result in a visual intrusion.
- The lovely chestnut tree on the site was cut down without permission. The property was very badly vandalised and was not boarded and protected sufficiently and was left wide open to be vandalised again and set fire to. The initial application to build on this site was rejected prior to the fire which raises suspicions.
- The loss of green space and habitat for wildlife, will impact on birds, deer, foxes, rabbits and butterflies and insects. There is little open green space left on North Tyneside for our wildlife.
- Concerns about sewer system failing due to lack of capacity for 7 houses instead of one.
- Concerns about increased traffic accessing and leaving the development on a tight corner.
- Concerns about Japanese Knotweed on site, not removed in accordance with current regulations and monitoring procedures.

- Whatever the outcome of planning, Moorlands must be demolished immediately. It is a magnet for vandalism and anti-social behaviour on a nightly basis and has made the life of neighbour's pure hell for months.

4.0 External Consultees

4.1 The Coal Authority

4.2 The Coal Authority Response: Material Consideration

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

4.4 The Coal Authority records indicate that there are two recorded mine entries (shafts) within, or within close proximity of the planning boundary. Our records also indicate that the site is likely to have been subject to unrecorded underground mining at shallow depth.

4.5 The applicant previously submitted a Phase 2 Geoenvironmental Appraisal (24 September 2020, prepared by Coast Consulting Engineers Ltd), the content of which has been informed by appropriate coal mining information for the proposed development, as well as information from investigations undertaken. Based on this review of information the report confirms that identified shallow coalmine workings are at a depth whereby they pose no undue risk to ground stability.

4.6 In terms of the two recorded mine entries, the report confirms that shaft 432570-004 was located close to the northern boundary of the site and that shaft 432570-006 has been disproven from being within the site. However, and whilst the report goes on to confirm that shaft 432570-004 will require grouting and capping, neither mine entries and construction stand-off zones or no build zone are illustrated on the proposed site layout plan, which we considered was a failing.

4.7 The Coal Authority is therefore now pleased to note the Exploratory Hole Location Plan, which shows the built development layout clear of the mine entries and their respective zones of influence. On the basis that the mine entry located within the site is proposed to be stabilised, which can be ensured by way of condition, the Coal Authority is able to withdraw its objection.

4.8 The applicant should note that permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a planning context are without prejudice to the outcomes of a permit application.

4.9 Mine Gas

4.10 It should be noted that wherever coal resources or coal mine features exist as shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the Local Planning Authority. The Planning and Development team at the Coal Authority, in its role of statutory

consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or no specific emissions have been noted by the Coal Authority, Local Planning Authority's should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

4.11 Sustainable drainage

4.12 It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

4.13 The Coal Authority's recommendation to the LPA

4.14 The information submitted in support of this planning application confirms that a recorded mine entry (shafts) pose a risk to the proposed development and that remedial works to the mine entry will be required to be undertaken prior to the commencement of the development.

4.15 Accordingly, the Coal Authority recommends the imposition of the following conditions:

4.16 No development shall commence until:

Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the proposed development.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

4.17 The Coal Authority withdraws its objection to the proposed development subject to the imposition of the conditions to secure the above. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

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

4.19 The undertaking of remedial measures, prior to the commencement of development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.