

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

Application type: full planning application

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

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

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

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

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Main Issues

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

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

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

2. Description of the Site

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

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

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

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

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

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

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

3. Description of the Site

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

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

3.3 The proposal would contain the following schedule of accommodation:

3.4 Affordable (Rented):

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

3.5 Affordable (Discount Market Value):

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

3.6 Two-bed Dwellings:

- 8No Coiner 2bed semi-detached dwelling

3.7 Three-bed Dwellings:

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

3.8 Four Bed Dwellings:

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

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

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

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

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

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

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

4. Relevant Planning History

19/01531/DEMGDO

Demolition of decommissioned covered reservoir and associated valve house
Permitted 11.12.2019

15/01999/OUT

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

5. Development Plan

5.1 North Tyneside Local Plan 2017

6. Government Policy

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

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

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

PLANNING OFFICERS REPORT

7. Main Issues

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

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

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

8.1 Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. North Tyneside Council Housing Land Supply

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

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

9.3 The most up to date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 6.1 year supply of housing land).

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

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

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

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

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

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

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

10.3 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis of the characteristics of the site, its wider context and the surrounding area.

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

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

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

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

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

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

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

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

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

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

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

11. Impact upon the amenity of existing and future occupiers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. Impact on highway safety

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

12.2 Policy S1.4 'General Design Principles' stipulate that proposed development be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

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

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

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

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

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

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

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

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

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

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

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

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

13. Impact on biodiversity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Other issues

15. Flooding

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. Contaminated land

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

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

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

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

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

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

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

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

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

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

17. Archaeology

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

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

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

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

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

18. S106 Contributions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19. Local Financial Considerations

19.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to the local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as

amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

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

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

20. Conclusion

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

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

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

RECOMMENDATION:

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

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

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

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

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

Conditions/Reasons

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

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

- 16-018/E00 Rev F: Drainage Strategy Plan 75 Unit Scheme (dated 22.11.2019)
- 1177_100 Rev C: Landscape Strategy (dated 02.01.2020)
- 977-BEL-16-018-P02 Rev B: Boundary Treatment Plan (dated 22.11.2019)
- 977-BEL-16-018-P03 Rev B: Adoption Plan (dated 22.11.2019)
- 19081-01: Flood Risk Assessment and Drainage Strategy (17.11.2019)
- Transport Statement Version 1 (dated September 2019)
- Travel Plan Statement Version 2 (dated 17.11.2019)
- Moorhouses Gas Addendum Letter from Queensbury Design Ltd (dated 01.07.2018)
- 0001: Noise Assessment Version 1 (dated September 2019)
- BHPD00122: Planning and Sustainability Statement (dated September 2019)
- ECN 19 017: Preliminary Ecological Appraisal (dated 13.09.2019)
- pod-977-DAS: Design and Access Statement (dated Sept 2019)
- Phase 1 Desk Study Report (QD1394) (dated 24.01.2018)
- Phase 2 Ground Investigation Report (QD1394) (dated 18.04.2018)

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. Notwithstanding the detail contained within the Flood Risk Assessment and Drainage Strategy dated 17th September 2019, the drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 6802 and slightly upstream of manhole 6601, as defined on Map Sheet NZ3369NE of Appendix D of the Strategy, with surface water discharges being restricted to 8.5l/sec and 5l/sec respectively.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24. All planting, seeding or turfing comprised in the approved landscaping plan shall be carried out in the first planting and seeding seasons following occupation of the dwellings within each parcel of the site and any trees or plants which, within a period of five years from the completion of the development, die or are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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

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

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

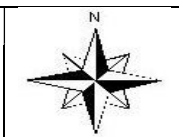
We can inform you that a number of assets cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation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



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

Not to scale
 Date: 10.01.2020

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**Appendix 1 – 19/01280/FUL
Item 2**

Consultations/representations

1. Internal Consultees

2. Highways Network Manager

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

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

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

2.4 Recommendation - Conditional Approval

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

2.6 Closure of unused highway access points

Upgrade of footpaths abutting site

Upgrade of footpaths connecting to the site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

2.7 Conditions:

ACC10 - New Access: Access before Devel

ACC15 - Altered Access Access Alt Prior to Occ

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

ACC25 - Turning Areas: Before Occ [refuse vehicle]

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

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

Reason: In the interests of highway safety.

2.9 Informatives:

- I05 - Contact ERH: Construct Highway Access
- I08 - Contact ERH: Works to footway.
- I10 - No Doors/Gates to Project over Highways
- I12 - Contact ERH Erect Scaffolding on Rd
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before dvlpt

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

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

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

3. Manager of Environmental Health (Pollution)

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

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

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

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

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

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

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

HOU04
HOU05
SIT03

3.7 Further comment 07.01.2019:

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

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

4. Manager of Environmental Health (Contaminated Land)

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

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

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

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

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

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

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

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

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

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

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

5. Design Officer

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

6. Landscape Architect and Biodiversity Officers

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

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

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

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

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

7. Local Lead Flood Authority

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

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

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

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

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

8. Tyne and Wear Archaeology Officer

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

9. External Consultees

10. The Coal Authority

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

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

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

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

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

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

11. Environment Agency

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

11.2 Contamination - Advice to LPA

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

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

12. Natural England

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

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

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

13. Northumbrian Water Ltd

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

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

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

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

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

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

13.5 For information only

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

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

14. Northumbrian Wildlife Trust

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

15. Police Architectural Liaison Officer

15.1 I have considered it from a crime prevention point of view and can find no grounds on which to object to it.

15.2 I would, however, recommend that the applicant completes the scheme in accordance with the police approved security scheme Secured by Design (SBD) New Homes 2019 design guide which will comply with the comment in the DAS regarding providing a safe and secure development.

16. Representations

16.1 Six letters of objection and one letter of support has been received.

16.2 The submitted objections raise the following issues:

- Loss of privacy: A garden of a proposed property backing onto an existing garden. The objector would prefer a path to separate the gardens.
- Loss of visual amenity.
- Visual intrusion.
- Light pollution.
- Loss of residential amenity.
- Nuisance – disturbance.
- Nuisance – dust/dirt.
- Nuisance – noise.
- Nuisance – fumes.
- Concerns with anti-social/criminal behaviour. The objector requests the removal of the footpath so the gardens would adjoin each other's boundaries.
- Inadequate drainage.
- Inadequate parking provision.
- Traffic congestion.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access
- Existing traffic congestion on Rake Land, Billy Mill Lane and Jacksons Farm will be exacerbated.
- Existing Murton construction traffic is causing issues.
- Concerns over construction traffic and traffic during construction.
- Development would lead to a greater risk to pedestrians and school children.
- Inappropriate design.
- Impact on wildlife.
- Loss of/damage to trees.
- Impact on Landscape.
- Pollution of watercourse.
- Too many properties lack greenspace.
- Local schools are at capacity.
- Currently nowhere for children to go, the proposed housing would further reduce the areas for children and result in anti-social behaviour from the field to the nearby shops.

16.3 One letter of support, stating that they believe the proposal would be good for the area and would prevent anti-social behaviour.