

Application No: 19/00760/FUL Author: Maxine Ingram
Date valid: 6 September 2019 ☎: 0191 643 6322
Target decision date: 6 December 2019 Ward: Weetslade

Application type: full planning application

Location: Land North Of, East View Terrace, Dudley, NORTHUMBERLAND,

Proposal: Proposed development is for 11no new two storey two and three bed houses includes new road into the development, which will run off the East View Terrace using the existing access point. (Additional documents 06.09.19, amended plans 21.11.2019)

Applicant: Compass Developments NE Ltd, Mr Brian Morris Unit 9 Trafalgar Court South Nelson Industrial Estate, Cramlington NE23 1WF

Agent: Blake Hopkinson Architecture, Marina Kemp Office 1 Blake Hopkinson Architecture 11 New Quay North Shields NE29 6LQ

RECOMMENDATION: Minded to grant legal agreement required.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

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

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

2.0 Description of the Site

2.1 The application site, comprising of approximately 0.2 hectares (ha), is a parcel of land located to the west of the B1319. To the north the site is bound by a footpath beyond which lies an industrial site. To the south and south west of the

site are residential properties. To the east of the site, beyond the road, are commercial premises and residential properties.

2.2 The site gradually slopes downwards from north to south and has a retaining wall along the footpath to the north.

2.3 Within the immediate vicinity there are a variety of property types, mainly terraced and semi-detached.

2.4 The site is designated as a housing site (LP site 140) and a wildlife corridor in the council's Local Plan (LP).

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of 11no. two storey (two and three bed) dwellings with associated infrastructure. This development would deliver 100% affordable housing.

3.2 The scheme provides the following house mix:

- 3no. 3 bed houses
- 8no. 2 bed houses

3.3 The following documents have been submitted to accompany this application:
-Design and Access Statement;

4.0 Relevant Planning History

None

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (February 2019)

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

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- 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 of this report.

8.0 Principle of development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: "However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development running through both plan-making and decision taking. For decision taking this means approving development proposals that accord with an up-to-date Plan without delay; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

8.3 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed. In order to achieve this objective Government requires local planning authorities to identify annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

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

8.5 Strategic Policy S1.4 'General Development Principles' states that proposals for development will be considered favourably where it can be demonstrated that they would accord with strategic, development management and other area

specific policies in the Plan. Amongst other matters, this includes: taking into account flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

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

8.7 LP Policy DM1.3 Presumption in Favour of Sustainable Development states: "The Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan.

8.8 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted."

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

8.10 Members are advised that the site, subject of this application, is identified for housing under Policy S4.3 (Site 140 Former Dudley Miners Welfare Centre). The LP identifies that this site can provide a potential of 10 units. The number given in the LP is only potential and has been derived for the purposes of helping the Council to determine how much housing land it needs to provide to ensure enough housing is built. It has not been derived following any detailed design work. Although the site will provide more housing (one more unit) than that indicated in the LP, this in itself is not harmful. The issue is whether the site can adequately accommodate the amount of housing proposed. This is considered in a latter section of this report.

8.11 The site is designated as a housing site and it will contribute to meeting the housing needs of the borough. Subject to all other matters set out below being addressed. Members need to determine whether the principle of residential development on this site is acceptable? It is officer advice that, the principle of the proposed development is acceptable and is in full accordance with the advice in NPPF and policies DM1.3, S4.1 and S4.3 (14) of the North Tyneside LP (2017).

9.0 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 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).

9.3 The potential housing land supply from this proposal is partially included in the Council's Strategic Housing Land Availability Assessment (SHLAA) (ref 422) where it is identified for 10 units capable of being delivered in next five years. Although the Council can demonstrate a five-year supply of deliverable housing sites, this site is part of that supply.

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

10.0 Impact on character and appearance of the site and the surrounding area

10.1 Paragraph 124 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 Paragraph 127 of the NPPF states that decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.3 Paragraph 91 of the NPPF, amongst other matters, seeks to promote healthy and safe communities. Decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction....street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; are safe and accessible....enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

10.4 Paragraph 130 of the NPPF makes it clear that 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.

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

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

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

10.7 Local Planning Authorities have the option to set additional technical requirements exceeding the minimum standards set by Building Regulations in respect of access and water efficiency, and a Nationally Described Space Standard (NDSS). In this context, access relates to how people access and use a dwelling and its facilities and for space, this relates to the internal space of a dwelling. During the preparation of the LP work was undertaken to establish whether there was a need to implement these higher standards in North Tyneside. The evidence concluded that there was a need, in terms of the optional standards relating to access and internal space, to introduce these higher standards. These standards are set out in Policy DM4.9 of the LP.

10.8 LP Policy DM7.9 'New Development and Waste' states "All developments are expected to:

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

10.9 The objections received regarding the inappropriate design, overdevelopment, insufficient refuse storage and loss of trees are noted.

10.10 The site is located to the west of the B1319. The immediate surrounding area is mix of commercial uses and residential dwellings. The existing residential dwellings are a mix of terraced, detached and semi-detached. Residential dwellings within the immediate vicinity do not exceed two storeys.

10.11 The proposed layout and chosen design approach reflects the local context and character of the residential area. The Design Officer has advised that the layout of the units, short rows of terraced properties, is logical and responds to existing trees on the site which are sited outside of private gardens. The layout also responds to the existing building line on East View Terrace to create a continuous frontage to the street. It is clear from the submitted plans that the site can adequately accommodate 11 dwellings. Furthermore, each dwelling will have its own off-street parking and an area of private outdoor amenity space.

10.12 The height and form of the proposed dwellings has been chosen to complement the residential setting immediately to the south of the site. The main ridge line along the main street accommodates a slight variation as the finished floor levels have had to be raised to prevent flood risk. All properties will have a canopy over the main entrance.

10.13 Parking is located to the rear of plots 1 -7 to support the street scene. The rear boundaries of all properties are highly visible from the public realm. A condition is recommended to ensure that an appropriate form of boundary treatment is secured. Each property will have a private garden, it is clear from the submitted plans that refuse storage can be provided within these areas. A bin collection point has been provided to the east of the access into the site.

10.14 Further conditions are recommended to secure the final surface materials, external building materials (including doors and windows).

10.15 Policy DM5.9 Trees, Woodland and Hedgerows states: "Where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the borough, and:

Protect and manage existing woodland, trees, hedgerows and landscape features.

Secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.

Promote and encourage new woodland, tree and hedgerow planting schemes.

In all cases preference should be towards native species of local provenance.

Planting schemes included with new development must be accompanied by an appropriate Management Plan agreed with the LPA.”

10.16 Tree cover is minimal with only one small group of scrub located to the west of the site, which includes two small Hawthorn, one domestic Apple, and various multi-stemmed self-seeded Elder. All trees have been categorised as low quality and value (Category C). The proposed development requires the removal of 2no. hawthorn trees and looks to retain the remaining trees outside of the gardens.

10.17 The council’s Landscape Architect has advised that the removal of the hawthorn is acceptable, subject to additional planting being provided to support the remaining group. This additional planting can be secured by condition.

10.18 Members need to consider whether the proposed layout and its design are appropriate and whether this complies with current policy. Officer advice is that the proposed number of units can be accommodated within the site without a significant adverse impact on the character and appearance of the area. It is officer, that the proposed layout and design are acceptable, subject to the imposition of the suggested conditions. As such, the proposed development accords with NPPF and policies DM6.1, DM5.9 and DM7.9 of the LP (2017).

11.0 Impact upon the amenity of existing and future residents

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

11.2 Paragraph 182 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. It goes on to state that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

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

11.4 LP Policy DM5.19 Pollution states: “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.

11.5 Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.”

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

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

11.8 The objections received regarding nuisance, disturbance, visual intrusion, impact on residential amenity and loss of privacy are noted.

11.9 The site is located in an area subject to a number of different noise sources that include: potential noise from the adjacent industrial site to the north, noise arising from traffic using the B1319 and aircraft noise as the site is located beneath an area where aircraft depart and approach Newcastle International Airport Limited (NIAL). It is also noted that there are several commercial premises located adjacent to the site which have potential to generate noise from deliveries, customer noise and external plant and equipment that may be fitted at the units.

11.10 The Manager for Environmental Health has advised that the site is identified within the future 2035 48dB LAeq 8 hour night noise contour and is just within the 2035 54dB LAeq 16 hour daytime noise contour with runway extension and 2035 48 dB LAeq hour noise contour with runway extension. She has advised that the noise contours are provided in 3 dB increments within the Airport Masterplan and therefore the site may potentially be within a higher noise contour within the banding. Members are advised that the Airport Masterplan sets out the future aspirations of the airport's expansion however, the extension to the runway, to date, has not been granted planning permission.

11.11 The applicant has submitted a noise assessment. This assessment has been considered by the Manager for Environmental Health. She has raised concerns regarding the different noise sources identified above. She has carried out a review of the submitted noise assessment. She has noted that the noise period was carried out over a very short period of time. She disagrees that road traffic noise will be dominant later evening. She has advised that noise will arise from the commercial units opposite the site. The noise report outlines no noise from the adjacent industrial site was noted and 1.8m high boundary screening is to be provided that will mitigate noise from the industrial site for garden areas. She has expressed concerns that the noise monitoring undertaken is not fully representative of aircraft noise exposure as the monitoring was carried out for a very short duration, during a quieter period of the year. Members are advised that the applicant responded direct to the airport's concerns regarding the noise

monitoring. The airport has confirmed that they are satisfied that no further noise monitoring is required. The airport's decision has been made given the prominence of road noise (as outlined in the noise assessment and in subsequent e-mails received). The airport has accepted that the applicant has considered dwelling layout and orientation of outside amenity areas in terms of noise impacts. The airport has also considered the number of dwellings proposed and the close proximity of the development site to an envelope of existing dwellings when making their decision.

11.12 Both the airport and the Manager of Environmental Health have advised that a condition will be required to ensure that the proposed dwellings will have to be constructed to provide sound insulation against external noise to achieve internal night time bedroom levels of 30dB LAeq, 8 hours (45 db LAmax) and internal daytime living room levels of 35dB LAeq, 16 hours with windows shut and other means of ventilation provided.

11.13 The Manager of Environmental Health has advised that the positioning of the rear gardens and the proposed boundary treatment using 1.8m high walls and close boarded fencing will mitigate against road traffic noise but will be ineffective for mitigating against aircraft noise. She has recommended a condition to ensure that rear garden areas achieve a level of below 55 dB LAeq.

11.14 The NPPF, paragraph 54 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Paragraph 55 states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The NPPF paragraph 180 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". Members are advised that it is clear from the Environmental Health comments set out in paragraphs 1.10-1.15 of the appendix to this report that appropriate mitigation to reduce the impacts arising from noise to future occupants and noise during construction can be secured by conditions. It is also clear that no concerns have been raised regarding any unreasonable restrictions being placed on existing businesses as a result of this development.

11.15 It is clear from the Manager of Environmental Health comments that she has not raised any concerns regarding air quality.

11.16 The proposed layout demonstrates that appropriate privacy distances can be achieved within the site.

11.17 The proposed site layout also demonstrates that this development will not significantly impact on the residential amenity of neighbouring properties in terms of loss of light, outlook or privacy.

11.18 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity (existing and future occupants), subject to the imposition of the

suggested conditions. As such, it is officer advice that the proposed development does accord with the advice in paragraph 180 of the NPPF and LP policies DM5.19 and DM6.1.

12.0 Highways

12.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

12.2 Paragraph 108 of NPPF states that when assessing sites for specific development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and,
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

12.3 Paragraph 109 of NPPF states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.4 Paragraph 110 of NPPF: Applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

12.5 All developments that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

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

12.7 LP Policy DM7.4 New Development and Transport states: “The Council and its partners will ensure that the transport requirements of new development,

commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:

- a. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footways and cycle routes. Connections will be integrated into existing networks with opportunities to improve connectivity identified.
- b. All major development proposals likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment and a Travel Plan in accordance with standards set out in the Transport and Highways SPD (LDD12).
- c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).
- d. New developments will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or where necessary, identify opportunities for public transport improvements including sustainable access to public transport hubs.
- e. New developments in close proximity to public transport hubs, whenever feasible, should provide a higher density of development to reflect increased opportunities for sustainable travel.
- f. On developments considered appropriate, the Council will require charging points to be provided for electric vehicles in accordance with standards set out in the Transport and Highways SPD (LDD12)."

12.8 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

12.9 The objections received regarding the impact on the highway network are noted. The objections raised include: current state of the back lane, poor traffic/pedestrian safety, traffic congestion, unsuitable access, existing parking problems and width of the road and footpath.

12.10 The site access will be positioned on the southern boundary. The site will be accessed from the adjacent B1319 via an existing non-adopted rear lane. Parking provision has been provided in accordance with the council's current standards. Refuse will be stored within the site with a kerbside collection.

12.11 The site is within walking distance of local services, including local retail provision, bus services, schools and Annitsford Nature Reserve.

12.12 The Highways Network Manager has been consulted. He has recommended conditional approval, including a condition for details of scheme to upgrade the access road between the B1319 and the site access.

12.13 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network. It is officer advice that subject to conditions the proposal is acceptable.

13.0 Biodiversity

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

13.2 Paragraph 170 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

13.3 Paragraph 174 of the NPPF states that when determining planning applications LPA's should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 175 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

13.4 LP Policy S5.4 Biodiversity and Geodiversity states:

"The Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links."

13.5 LP DM5.5 Managing effects on Biodiversity and Geodiversity states:

"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. Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:
- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,

f. For all adverse impacts of the development appropriate on-site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.”

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

13.7 The objection received regarding the impact on wildlife is noted.

13.8 A Preliminary Ecological Appraisal (PEA) has been submitted. This appraisal has been reviewed by the council’s Biodiversity Officer. Members are advised that the development of this land will result in the loss of some semi-improved neutral grassland considered to be of Parish value; loss of scrub, tall ruderal and ephemeral habitats of local value; loss of potential bird nesting and foraging habitat through the removal of scrub on site; loss and disturbance to potential low value foraging habitat for bat species within the local area through site clearance works and increased lighting on site. Impacts on badger, hedgehog and great crested newts are considered to be low. The appraisal sets out several mitigation measures to deal with the identified impacts which can be secured by condition and a financial contribution.

13.9 The trees/scrub to be retained on the western boundary are retained largely outside of residential gardens. The submitted plan shows a 0.7m high hedge along the northern boundary as well as additional tree planting. Hedges are also proposed along the eastern edge of the site (B1319) to the front of properties. The Biodiversity Officer has advised that the hedge along the northern boundary must be a mixed native hedge containing a minimum of 5 types of native hedge species and all trees must be heavy standards. The proposed landscaping is welcomed but it does not mitigate for the loss of the semi-improved neutral grassland within the site. As recommended in the submitted PEA, the applicant will need to provide a financial contribution to mitigate this impact. Members are advised that the applicant is prepared to pay the requested contribution of J3,000.00 to enable the council to create and manage a similar sized area of semi-improved grassland on council land as compensation.

13.10 The application site is located beyond the 6km buffer of the Northumbria Coast Special Protection Area (SPA). However, it will still have an impact on the coast as result of an increase in recreational disturbance. This development will need to comply with the Coastal Mitigation SPD which provides guidance and

information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. This development is required to pay the lower tariff (J151.00 per dwelling). The applicant has agreed to pay this financial contribution.

13.11 Natural England has been consulted. They have raised no objection to the proposed development as the applicant has agreed to pay the Coastal Mitigation tariff.

13.12 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity and landscaping. It is officer advice that subject to conditions and the financial contributions it is acceptable.

14.0 Other issues

14.1 Flooding

14.2 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.

14.3 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.

14.4 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.

14.5 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.

14.6 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.

14.7 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).

14.8 The Lead Local Flood Authority (LLFA) has been consulted. He has advised that his initial concerns regarding the potential surface water floor risk posed to this development has been addressed. Members are advised that in order to minimise the risk of surface flooding the proposed dwellings the finished floor levels have been raised which reduces the risk of surface water entering these properties during heavy rainfall events.

14.9 Northumbrian Water has been consulted. They have recommended conditional approval.

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

14.11 Ground conditions

14.12 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.

14.13 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.”

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

14.15 The objection received regarding ground stability is noted.

14.16 The Contaminated Land Officer has been consulted. She has reviewed the submitted Phase I and II Geo-Environmental Assessment. She has noted that there is gas monitoring outstanding and although monitoring has taken place two of the monitoring wells were on two occasions flooded. She does not accept these results. However, it is clear from her comments that the outstanding information required can be dealt with by condition.

14.17 The Coal Authority has been consulted. They have advised that the site falls within the defined Development High Risk Area. The applicant has obtained appropriate and up-to-date coal mining information for the development site and has used this information to inform the Phase I and II Geo-environmental Site Assessment Report which accompanies this application. This report is also informed by the findings of intrusive site investigations for which a Coal Authority permit was obtained.

14.18 Members are advised that the submitted site assessment report identified a moderate to high risk from unrecorded shallow workings and intrusive site investigations were undertaken to determine the presence or otherwise of shallow workings. These investigations which comprised of three boreholes sunk to 45m below ground level encountered coal that was intact. The report concludes that, in the author's professional opinion, there is a low risk from unrecorded shallow mine workings.

14.19 The Coal Authority raises no objection. However, they have advised that further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

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

14.21 Archaeology

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

14.23 LP Policy DM6.7 Archaeological Heritage states: "The Council will seek to protect, enhance and promote the borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

Developments that may harm archaeological features will require an archaeological desk-based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the assumption will be in favour of this.

The results of the preliminary evaluation will determine whether the remains warrant preservation in-situ, protection and enhancement or whether they require full archaeological excavation in advance of development.

Should the loss of significance of the archaeological remains be outweighed by substantial public benefits so that preservation in-situ would not be justified, preservation by record will be required to be submitted to and agreed with the Local Planning Authority, and completed and the findings published within an agreed timescale.”

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

14.25 Aviation Safety

14.26 Newcastle International Airport Limited (NIAL) has been consulted. They have raised no objections to this development in terms of aviation safety, subject to the imposition of their suggested conditions regarding crane heights, landscaping, renewable energy sources and materials and lighting. Their suggested condition regarding drainage design is not necessary as no open water features are associated with this development.

15.0 S106 Contributions

15.1 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.

15.2 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.

15.3 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.

15.4 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.

15.5 LP S7.1 General Infrastructure and Funding states “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.”

15.6 LP DM7.2 Development Viability states “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 proposal to demonstrate this. 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.

When determining the contributions required, consideration will be given to the application’s overall conformity with the presumption in favour of sustainable development.”

15.7 LP DM7.5 Employment and Skills states “The Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training...”

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

£3,000.00 towards ecology.

£1,661.00 towards coastal mitigation.

15.9 Members are advised that this development will provide 100% affordable housing provision, which will be secured as part of any S106 agreement.

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

15.11 A CIL payment will not be required in respect of this development because social housing is exempt.

16.0 Local Financial Considerations

16.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

16.2 The proposal involves the creation of 11 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.

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

17.0 Representations

17.1 The objections received have raised several issues with the council's consultation process. Members are advised that neighbouring notification letters were issued, a site notice was displayed on the east boundary treatment (25.09.2019) and advertised in the press. The Local Planning Authority (LPA) has complied with the statutory consultation requirements. The objector advised that the site notice was removed. Albeit, the LPA has met with the statutory consultation requirements and did not consider it necessary to display a further notice, a further notice was displayed on the 02.12.2019. The LPA also confirmed that the press notice is published in a newspaper that is available to buy in the local area including the Spar located to the south of the site.

17.2 The applicant is not required to submit evidence that they every attempt has been made to trace the landowner(s). The onus is on the applicant to ensure that they have signed the correct certificate on their application form, in this case the applicant has signed certificate C.

17.3 The objection received considers that the 'Views' submitted give a distorted view of the site. These plans support the application in terms of providing 3D images of the proposed development only. These plans will not be listed as approved drawings should planning permission be granted and are indicative only.

18.0 Conclusions

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

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

18.3 The application site is an allocated housing site in the Local Plan, lies within an existing built up area and it is located in close proximity to existing local services. In terms of the impact of the development, the consultees are satisfied that the development is acceptable in terms of its impact on the highway network, its impact on flood risk, ecology, the impact on the amenity of existing and future occupants and its overall design and appearance.

18.4 Approval is therefore recommended.

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;

-100% affordable housing provision

-Coastal Mitigation

-Biodiversity Mitigation

Conditions/Reasons

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

Location plan Dwg No. 05-00-S0-PO1.2

Existing site plan Dwg No. 14-01-S0-P01.2

Proposed site plan Dwg No. 12-00-S0-P01.7

House Type G-3B-4P - Elevations Dwg No. A160-00 Rev 4

3B/4P House Type Dwg No. A150-01 Rev 5

House Type 2_2B-3P_Elevations Dwg No. A160-00 Rev 3

2B/3P House Type 2 Dwg No. A150-00 Rev 4

House Type F_2B-3P_Elevations Dwg No. A160-00 Rev 4

2B/3P House Type 1 Dwg No. A150-00 Rev 4

Proposed elevations Dwg No. 16-00-S0-P01.3

Proposed ground floor plan Dwg No. 15-01-S0-P01.8

External Finishes Plan Dwg No. 2001-SO-P04

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

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

4. No other part of the development shall be commenced until:-

- a) A detailed site investigation has been carried out to establish:
 - i) If the site is contaminated;
 - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
 - iii) To determine the potential for the pollution of the water environment by contaminants and;
 - iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

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

5. The development hereby permitted shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

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

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

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

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

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of

membranes is required then any test certificates produced should also be included.

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

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

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

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

6. No part of the development hereby approved shall be occupied until the new means of access has been sited and laid out in accordance with the approved drawing.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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9. The scheme for parking 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).

10. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include

mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

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

11. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of the provision of wheeled refuse facilities for all waste types and refuse collection management strategy, including identifying a suitable storage area for collection day only, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include areas of storage of refuse, recycling and garden waste at each dwelling. Thereafter, these agreed details shall be provided prior to the occupation of the dwelling and permanently retained.

Reason: In order to safeguard the amenities of the area and highway safety having regard to policies DM6.1 of North Tyneside Local Plan (2017).

12. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a scheme for secure under cover cycle storage 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 prior to the occupation of the dwelling and retained thereafter.

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

13. Notwithstanding Condition 1, prior to the commencement of any development, a noise scheme in accordance with noise report no. 3207BM shall be submitted to and approved in writing by the Local Planning Authority. This scheme must include details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of L_{max} of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014 and the World Health Organisation community noise guidelines. Thereafter, the development shall be carried out in accordance with these agreed details which shall be implemented prior to the occupation of each dwelling and permanently retained.

Reason: This information is required from the outset to ensure appropriate mitigation is provided to safeguard the amenity of future occupants having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

14. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of the

ventilation scheme to ensure an appropriate standard of ventilation, with windows closed, is provided shall be submitted to and approved in writing by the Local Planning Authority. 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. Thereafter, the development shall be carried out in accordance with these agreed details which shall be implemented prior to the occupation of each dwelling and permanently retained.

Reason: To ensure appropriate mitigation is provided to safeguard the amenity of future occupants having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved damp proof course level details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. These details shall include acoustic fencing to be provided to the rear garden areas. The development shall thereafter only be carried out in accordance with the approved details and the dwellings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

16. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a fully detailed landscape plan and landscape maintenance plan for a minimum period of five years, including details of arrangements for its implementation, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport Limited (NIAL). The landscape scheme shall include tree and shrub planting (any trees to be a minimum 12-14cm girth) and include the proposed timing and ground preparation noting the species and sizes for all new plant species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. The landscape maintenance scheme shall be implemented in accordance with these agreed details.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

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

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

18. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 3no. bird boxes to be installed on the exterior walls of the dwellings, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) on which they are to be installed and permanently retained.

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

19. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 2no. bat boxes to be installed on the exterior walls of the dwellings, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) on which they are to be installed and permanently retained.

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

20. High intensity security lights shall be avoided as far as practical. Where security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.

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

21. Notwithstanding Condition 1, prior to the commencement of the development an amphibian precautionary working method statement, in order to address the low risk to great crested newts, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

23. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp-proof course level a schedule and/or samples of all surfacing materials and external building materials, including doors and windows) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

24. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

25. Prior to the use of any crane on site, a crane method statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall, at least, include the following:

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid;

- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD (see Note below);

- The type of crane/equipment (e.g. Tower Crane, Mobile Crane, etc.);

- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;

- intended dates and times of operation;

- Applicant's name and contact details;

- Proposed obstacle lighting to be installed.

The use of any crane above 50m in height will penetrate the Airport's 'approach and take-off protected obstacles limitation surface' and will require an operator's licence and the issuing of a notice to airmen for the duration of the construction period. It will also need to be fit with medium intensity lighting. If a crane or other construction equipment is required below 50m in height it is requested that the jib is only in the raised position during use, the Airport's air traffic control service is informed before use, shall be fit with low intensity lighting, and work should cease during poor visibility and cloud ceilings. Thereafter, the development shall be carried out in accordance with these agreed details.

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

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A, B, C, D, E, F, G of Part 1 or within Classes A and B of Part 14 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

27. Notwithstanding Condition 1, prior to the commencement of any construction works on the site details showing the existing and proposed ground levels and levels of thresholds and floor levels of the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This information is required to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements and protecting existing landscape features having regard to the NPPF and policy DM6.1 of the North Tyneside Local Plan (2017).

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

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

29. Notwithstanding Condition 1, no part of the development shall commence until a scheme to upgrade the access road between the B1319 and the proposed site access has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until this scheme has been implemented in accordance with these agreed details and it shall be permanently retained thereafter.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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

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

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

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)

Take Care Proximity to Party Boundary (I21)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Coal Mining Referral Area , (FULH) (I43)

Free and full access to the Public Right of Way network is to be retained 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 Rights of Way Officer.

Prior to the commencement of works and upon the completion of the development the developer is advised contact the 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.

Northumbrian Water has advised that to satisfy the requirements of Condition 24 the developer should submit a drainage plan that aligns with their comments in response to the point of connection enquiry. Northumbrian Water has advised that the planning permission with Condition 24 is not considered implementable until the condition has been discharged. Only then can an application be made for a sewer connection under Section 106 of the Water Industry Act 1991.

The development hereby approved lies within close proximity to the designated and well-established flight path from Newcastle International Airport. The Airport operates unrestricted flying 365 days per year, 24 hours per day.

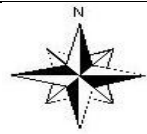
Newcastle International Airport Limited (NIAL) has advised that the Civil Aviation Authority (the UK's aviation regulator) guidance on crane operations is due to change very soon. The published guidance would outline an updated process for notifying/approving crane operations, which would supersede our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



Application reference: 19/00760/FUL
Location: Land North Of, East View Terrace, Dudley, NORTHUMBERLAND
Proposal: Proposed development is for 11no new two storey two and three bed houses includes new road into the development, which will run off the East View Terrace using the existing access point. (Additional documents 06.09.19, amended plans 21.11.2019)

Not to scale
 Date: 10.01.2020

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**Appendix 1 – 19/00760/FUL
Item 3**

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for a proposed development of 11 new two storey two & three bed houses includes new road into the development, which will run off the East View Terrace using the existing access point.

1.3 The site is accessed via an existing non-adopted rear lane with an altered site access and parking has been provided in accordance with current standards. Refuse will be stored within the site with a kerbside collection. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

ACC11 - New Access: Access prior to Occ

ACC15 - Altered Access Access Alt Prior to Occ

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

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

No part of the development shall commence until a scheme to upgrade the access road between the B1319 and the proposed site access has been submitted to and approved by in writing the Local Planning Authority. No part of the development shall be occupied until this scheme has been implemented in accordance with the approved plans and it shall be retained thereafter.

Reason: In the interests of highway safety.

No part of the development shall be occupied until a scheme to manage refuse collection; including identifying a suitable storage area for collection day 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.

No part of the development shall be occupied until a scheme for secure under cover cycle storage 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.

1.6 Informatives:

I05 - Contact ERH: Construct Highway Access

I07 - Contact ERH: Footpath/Bridleway X's Site

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

Free and full access to the Public Right of Way network is to be retained 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 Rights of Way Officer.

Prior to the commencement of works and upon the completion of the development the developer is advised contact the 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.

1.7 Contaminated Land Officer

1.8 I have reviewed the Phase I & II Geo-Environmental Assessment and note the following:

The report has stated that a Remediation & Enabling Works strategy is required. I note that there is gas monitoring outstanding and that although monitoring has taken place two of the monitoring wells were on two occasions flooded. These results are not accepted.

1.9 Based on the information submitted and the outstanding information required the following must be applied:
Con 001 and Gas 006

1.10 Environmental Health

1.11 I note the site is located adjacent to an industrial site and potential noise from any activities taking place on the site affecting the western part of the site need to be considered. It is also noted that there are a number of commercial units located adjacent to the site and I would have concerns about potential noise from any delivery noise, customer noise and external plant and equipment that may be fitted at the units. Noise arising from road traffic using the B1319 is of concern and aircraft noise is of concern as the site is located beneath an area where aircraft depart and approach Newcastle Airport. The site is identified within the future 2035 48 dB LAeq 8 hour night noise contour and is just within the 2035 54 dB LAeq 16 hour daytime noise contour with Runway extension and 2035 48 dB LAeq 8 hour night noise contour with Runway extension. The noise contours are provided in 3 dB increments within the Airport Master Plan and therefore the site may potentially be within a higher noise contour within the banding.

1.12 I have viewed the noise assessment provided with the application. The noise monitoring was carried out over a very short period of time, 4 hours on one day in February 2020. Night time noise monitoring was carried out between 0600-0700 hours and road traffic noise assessed using the shortened calculation method. It is noted that the 3 consecutive hours monitored were 0700-1000 hours rather than a 3 hour period between 1000-1700 hours in accordance to with the

methodology. I disagree that road traffic noise will be dominant later evening. The commercial units adjacent to the site consist of a small Life Style general store and a fish and chip shop. Impact noise will arise from customer voices if congregating outside of the shops or from customer cars using the small car park located to the front of the shops. The noise report outlines that no noise from the adjacent industrial site was noted and 1.8 m high boundary screening is to be provided that will mitigate noise from the industrial site for garden areas.

1.13 I have concerns that the noise monitoring is not fully representative of aircraft noise exposure as the monitoring was carried out for a very short duration, during a quieter period of the year. I note that the applicant has responded on the Airport's concerns regarding the noise monitoring and that they are satisfied that further noise monitoring is not required. I would therefore advise that a condition will be required to ensure that an appropriate noise scheme is provided in accordance to the noise report to ensure the BS8233 guidance is achieved for internal noise levels in habitable rooms to give a resultant noise level of below 30 decibels and maximum noise level of 45dB for bedrooms and 35 decibels for living rooms is achieved. Internal noise levels will not be met with open windows and therefore an alternative mechanical ventilation system will be required.

1.14 The World Health Organisation community noise level for outside spaces should achieve levels of 50 dB LAeq 16 h or below as this is considered to be of a level for moderate annoyance. A level of 55 dB LAeq 16 hour is considered to be the onset of serious annoyance. The development provides for garden areas located to the rear of the buildings and screened using 1.8 m high walls and close boarded fencing. This will mitigate against road traffic noise but will be ineffective for mitigating against aircraft noise. A condition would be recommended to require garden areas to achieve a level of below 55 dB LAeq.

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

Prior to development submit and implement on approval of the local Planning Authority a noise scheme in accordance to noise report no.3207BM, providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014 and the World Health Organisation community noise guidelines.

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

Prior to occupation, submit and implement details of the acoustic screening to be provided to the garden areas in writing for approval of the local Planning to be implemented, and thereafter retained.

HOU04

SIT03

1.16 Biodiversity Officer

1.17 The above site is located off East View Terrace and is a triangular area of land of approximately 0.2ha, which is proposed for housing. East View Terrace and residential housing is located to the south, the B1319 road to the east, and a public footpath immediately to the north/north-west of the site.

1.18 The site appears to comprise semi-improved grassland, with a group of trees to the west of the site and some isolated areas of scrub (possibly elder and hawthorn) along the boundaries.

1.19 Ecology

1.20 A Preliminary Ecological Appraisal (PEA) has been submitted of the above scheme. The impacts have been identified as the following:-

- Loss of semi improved neutral grassland considered to be of Parish value.
- Loss of scrub, tall ruderal and ephemeral habitats of local value.
- Loss of potential bird nesting and foraging habitat though the removal of scrub on site.
- Harm or disturbance to nesting bird species should vegetation removal be undertaken during the nesting bird season (March to August inclusive).
- Low potential risk of harm to badger and hedgehog during site works.
- Low risk or harm to great crested newts during site clearance works.
- Loss and disturbance to potential low value foraging habitat for bat species within the local area through site clearance works and increased lighting on site.

The key mitigation measures recommended to address the above impacts include:-

Site Design:

High intensity security lights will be avoided as far as practical. Where security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.

1.21 Timing of Works:

Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.

1.22 Working Methods and Best Practice:

- Site clearance works will be undertaken in accordance with an amphibian precautionary working method statement in order to address the low risk to great crested newts.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

-The roots and crowns of retained trees will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012.

1.23 Compensation:

-Due to the nature of the proposed development, the loss of parish value semi improved neutral grassland cannot be mitigated for within the site. It is recommended that consultation with the LPA Ecologist is undertaken to agree off site habitat creation / enhancement and confirm a financial contribution.

-A total of 3 bird boxes should be installed on site to provide bird nesting habitat. Boxes should be installed on exterior walls of the proposed residential houses.

1.24 Enhancement:

A total of 2 bat boxes should be installed on the exterior walls of proposed residential dwellings in order to create bat roosting opportunities within the site.

1.25 External Finishes Plan

1.26 Trees/scrub on the western boundary have now been retained largely outside of residential gardens. The shows a 0.7m high hedge along the northern boundary along with 7 new trees. Hedges are also shown along the eastern edge of the site (B1319) to the front of properties. The hedge along the northern boundary must be a mixed native hedge containing a minimum of 5 types of native hedge species and all new trees must be heavy standards. The submitted indicative landscaping is an improvement on the previous submitted layout, however, the landscaping provided does not mitigate for the loss of the semi-improved neutral grassland within the site. As recommended within the Ecology report, the applicant will need to consult with the LPA to agree off-site mitigation and financial contribution.

1.27 Coastal Mitigation

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

1.29 Conditions

-In order to mitigate the loss of the semi-improved neutral grassland on site, a financial contribution of £3,000 will be required to enable the LPA to create and manage a similar sized area of semi-improved grassland on Council land as compensation.

-Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed revised landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include tree and shrub planting (any trees to be a minimum 12-14cm girth) and include the proposed timing and ground preparation noting the species and sizes for all new plant species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of

planting shall be replaced in the next available planting season with others of similar size and species. The landscape scheme shall include landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

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

-3 No. bird boxes will be installed on site to provide bird nesting habitat. Boxes should be installed on exterior walls of the proposed residential houses. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

-2 No. bat boxes will be installed on the exterior walls of proposed residential dwellings in order to create bat roosting opportunities within the site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

-High intensity security lights will be avoided as far as practical. Where security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.

-Site clearance works will be undertaken in accordance with an amphibian precautionary working method statement in order to address the low risk to great crested newts. Details to be submitted to the LPA for approval in writing prior to the development commencing.

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

-In order to address the recreational impacts of the scheme on the Northumbria Coast SPA, an appropriate financial contribution will be required towards the delivery of a Coastal Mitigation Service in accordance with the Councils Draft Coastal Mitigation SPD.

1.30 Landscape Architect

1.31 Existing Site Context

1.32 The proposed application site area overlooks the (B1319) Market Street and is located just off the immediate Dudley town centre, but still within close proximity to local retail (shops) and entertainment (pubs and café) facilities. The site is currently bordered by residential developments to the south and west, with some industrial storage areas and units to the north. The immediate properties adjacent to the site include East View Terrace to the south and a mix of detached and semi-detached properties to the west. The site is also bordered by public footpaths, with one along the north site boundary and another along the south. The surface level of the site is generally flat, reflecting the wider prevailing topography of the surrounding area, with a grass/scrub surface horizon across most of the site area. The current access to the wider site is via the established entrance from Market Street.

1.33 Tree cover is minimal with the only one small group of scrub located to the west of the site, which includes two small Hawthorn, one domestic Apple, and various multi-stemmed self-seeded Elder. All trees have been categorized a low quality and value (category C). The proposals require the removal of the 2no hawthorn trees and looks to retain trees outside of gardens.

1.34 Landscape Comments (Trees and Landscape Design)

1.35 The amended plans have been submitted relating to the building which does not impact on any areas proposed for landscaping. As per previous comments, and based on the survey information, the removal of the hawthorn is acceptable, however additional planting is required to support the remaining shrub group. This should be shown on a landscape plan – details of which can be conditioned. The landscape plan should also include planting to strengthen the boundaries of the site using native hedge or tree/shrubs.

1.36 The following condition can be attached to the application:

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed revised landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include tree and shrub planting (any trees to be a minimum 12-14cm girth) and include the proposed timing and ground preparation noting the species and sizes for all new plant species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. The landscape scheme shall include landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

1.37 Lead Local Flood Authority (LLFA)

1.38 The applicant's intentions are to provide surface water storage via the use of permeable paving within the developments car parking areas which will discharge into a 34.2 Cu.m geocellular storage tank to be located within the highway which will provide surface water storage for a 1in100 yr rainfall event + 40% for climate change. This will then discharge into the local sewer network at a restricted discharge rate of 4.5l/s.

1.39 I can confirm that the surface water drainage proposals are acceptable however I have noted that the finished floor levels of the houses adjacent to the B1319 are proposed to be set at 10.30m & 10.15m AOD. I would request that you make the applicant aware there has been flooding of the highway and internal flooding to three properties on West View located directly opposite the development site. This flooding was caused as a result of the localised topography, in order to prevent a similar event impacting on the seven number properties adjacent to the highway, I would recommend that these properties finished floor level heights are set at a height 300mm higher than the adjacent highway.

1.40 I have carried out a review of the revised submission. I can confirm that following receipt of Proposed Engineering Layout – 19012/01P2, I no longer have concerns regarding the potential surface water flood risk posed to this development. In order to minimise the risk of surface water flooding to the proposed properties the applicant has raised the finished floor levels which reduces the risk of surface water entering these properties during heavy rainfall events.

1.41 Design

1.42 The application is for 11 new homes on land to the north of East View in Dudley. The design approach reflects the local context and character of the residential area. The layout of the units is logical and responds to existing trees on the site which are incorporated into private gardens. The layout also responds to the existing building line on East View Terrace to create a continuous frontage to the street.

1.43 Parking is located to the rear of plots 1 – 7 to support the street scene. The rear boundary boundaries of all properties are highly visible from the public realm. The 3D images of the proposal show the rear boundary treatments as close boarded fences – this should be changed to a brick wall with optional timber infill panels as set out in the Design Quality SPD.

1.44 The bin collection point does not require fencing around it and this area should be open. The fencing will encourage bins to be left in the area permanently.

1.45 Overall the application is supported. It is recommended that all surface materials, external building materials (including doors and windows), boundary treatments and landscaping is conditioned.

1.46 Housing

1.47 11 new affordable home on site is supported. It meets the 25% policy with 2 and 3 bedroom houses being welcomed.

2.0 Representations

2.1 Five objections have been received (four from the same property). These objections are set out below:

- Adverse effect on wildlife.
- Inappropriate design.
- Loss of privacy.
- Loss of residential amenity.
- Loss of/damage to trees.
- Nuisance: disturbance.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Will result in visual intrusion.
- Overdevelopment, maximum number of dwellings should be 7 or 8.

-Utilisation of road adjoining No. 21 East View Terrace as an access to the site is inadequate. This road is only wide enough for one vehicle at a time being really an extension of the back lane.

-Back lane to East View Terrace is in a poor state and is used mainly by the residents of East View Terrace for parking and entry to their properties. The lane, again, is only wide enough for one vehicle at a time and the problem is exacerbated by parked cars. The potential use of the lane for access from the proposed development into Bamborough Court is dangerous and will increase an already congested area.

-Currently cars park on both sides of the road at the entrance to Bamborough Court (opposite the shops on Market Street) since the introduction of the double yellow lines and access and egress is hazardous enough without the possibility of another 20 vehicles using it. Cars park on both sides of the road behind the church creating a really congested area.

-The road from Dudley Lane through Bamborough Court back onto Dudley Lane at the western side of Bamborough Court is used as a thoroughfare by pedestrians, many of them children.

-The pavement on the proposed site plan shows the footpath to be the same width as that on the main street when it is about half the size. The land shown landscaped adjacent plot 7 and part of plot 7 should be used to upgrade the vehicular access into the site.

-There should be no access from the development site to the lane to the rear of East View Terrace and the lane to the rear of East View Terrace should be for access by the residents of East View Terrace only.

-The road inside the site is shown as being the same width as the back lane to East View Terrace i.e. wide enough for one car. This is inadequate. The DnA states the road is to be 6m, but there is no way the lane to rear of East View Terrace is 6m wide. There is no turning head in the road.

-The 4 houses to the rear of the site should be reduced to 2.

-The refuse collection point is inadequate for 11 bins.

-The road in the development is too narrow for refuse vehicle.

-The site is in a Wildlife Corridor but there has not been an Ecological Survey submitted.

-The ground does not seem very stable given the existence of mine workings.

-The photomontages do not accurately reflect the finished appearance of the development in relation to road and paths.

-In principle I am pleased with this application as it will tidy up the area.

However, I would agree with most of the comments made by the objector on 22 November 2019 with regard to traffic and parking in the area. In particular I hope the Council takes this opportunity to make good the back lane of East View Terrace.

-Certificate C has been completed indicating the application has been advertised in the News Guardian. I have never heard of this newspaper. Having looked online, this seems to be a free local newspaper for the Whitley Bay, North Shields and Wallsend areas. It is not a newspaper delivered to the Dudley area and, therefore, an inappropriate form of publicity. The application, in my opinion, should have been published in a newspaper such as The Journal or The Chronicle.

-There is not a copy of the press notice on the file.

-What evidence has the applicant presented to show that every attempt has been made to trace the other landowner(s)? Has a search of the records of Durham

Land Registry been made and evidence to that effect produced?

-Plan nos. 160-04-S0-P01.2 and 1.4 do not accurately show the relationship to the properties to the south and west of the site. In fact, these properties are shown as square blocks with fencing that does not exist.

-There are no streetscapes showing the relationship to the surrounding buildings.

-No attempt has been made to mitigate the issues that will be caused by traffic using the lane to the rear of East View Terrace for access and egress.

-The lane to the north of East View Terrace has not been widened and is misrepresented on the drawings. Having such a narrow access is hazardous to road and pedestrian safety.

-The website shows that the expired date for the site notice is 16 October 2019, but there are no site notices visible from the Dudley Lane side of the site and there were none there last week either. If the notices have been posted on-site they are either in a position where no one can see them or they have been removed by someone. Can you arrange for the site notice(s) to be posted again for the 21-day period in order to inform a wider section of the community.

-My principle concerns are around access to and egress from the site. The lane to the north of East View Terrace shown as the access to the site from Dudley Lane is now included in the redline boundary and, therefore, I presume the condition of the road will be improved. However, this is a narrow lane really only wide enough for one car at a time. I am concerned about the congestion this could cause on Dudley Lane with cars queuing both on the main road and on the lane to the north of East View Terrace. Occupiers of East View Terrace park vehicles half on the pavement reducing visibility for vehicles existing the development site and thereby creating a hazardous situation. I am concerned that this may lead to vehicles from the development site using the back lane to East View Terrace and Bamborough Court to gain access to Dudley Lane. The lane, as you will be aware, is unadopted and in a poor state of repair. Occupiers of East View Terrace also park vehicles in the land and there is only enough space for one vehicle at a time. Vehicles park on both sides of the road in Bamborough Court creating a slalom to be negotiated to access Dudley Lane. Since the introduction of the double yellow lines on Dudley Lane, cars park on both sides of the road which accesses onto Dudley Lane so there is often space for one car to pass. They also park on double yellow lines including those on the bend in the road. (Google image provided to demonstrate this point before double yellow lines implemented).

Cars park on both sides of the road outside the butchers and chemist on a road which is used by lorries and buses and at times visibility is nil. More cars using this access road would even further impact on road safety. I welcomed the introduction of the double yellow lines, but if they are not policed they can be useless.

-The revised drawings uploaded have been incorrectly labelled with the plan numbers rather than the title of the drawing.

-View 4 gives a distorted view of the site giving the appearance of more space than is actually there. The car parking spaces are huge.

-The need for refuse waste is already extremely tight in the lane to the back of East View Terrace (I have already had brickwork damaged on my property on two separate occasions by the recycling truck).

-Parking will become a major hazard and undoubtedly cause an accident as visibility will be seriously reduced due to the width of the access road proposed

off East View Terraced, cars will park wherever they can and will cause multiple problems.

-I have concerns over the land, as cracks have appeared in my property since the initial bore holing process back in June/July. I have major concerns that any further foundations works will have serious impact to the structure and security of my property and therefore I cannot support the building works going ahead.

2.2 One representation has been received neither objecting nor supporting: In principle I am pleased with this application as it will tidy up the area. However, I would agree with most comments made by the objector with regard to traffic and parking in the area.

In particular I hope the council takes this opportunity to make good the back lane of East View Terrace.

3.0 External Consultees

3.1 Tyne and Wear Archaeology Officer

3.2 I have checked the site against the HER, and consider that the proposals will not have a significant impact on any known heritage assets. Historic OS maps demonstrate that much of the site has previously been developed in the late 19th and 20th centuries. This activity is likely to have truncated any earlier deposits and structures. I consider the site to have low archaeological potential, and no archaeological work is required.

3.3 Northumbrian Water

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

3.5 It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

3.6 Having assessed the proposed development against the context outlined above we have the following comments to make:

An enquiry has now been received by Northumbrian Water to agree suitable connection points to the public sewer network, however the connection point identified as suitable for surface water does not align with that indicated in the submitted drainage plan. We would therefore request the following condition:

Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood

Authority. Thereafter the development shall take place in accordance with the approved details.

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

3.7 How to Satisfy the Condition

3.8 The developer should submit a drainage plan that aligns with Northumbrian Water's comments in response to the point of connection enquiry.

3.9 Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

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

3.11 Police Architectural Liaison Officer

3.12 It is pleasing to see that the central pathway has been omitted from the scheme. With this in mind I still have no objections with the scheme and no further comments to make.

3.13 The Coal Authority

3.14 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Specifically, The Coal Authority records indicate likely unrecorded coal mining at shallow depth beneath the application site.

3.15 The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Phase 1 & Phase II Geo-Environmental Site Assessment Report (Ergo, April 2019) which accompanies this planning application. This report is also informed by the findings of intrusive site investigations for which a Coal Authority permit was obtained.

3.16 The report identified a moderate to high risk from unrecorded shallow workings and intrusive site investigations were undertaken to determine the presence or otherwise of shallow workings. These investigations which comprised of three boreholes sunk to 45m below ground level encountered coal that was intact.

3.17 The Coal Authority notes the assurance of the competent person who has prepared the Coal Mining Risk Assessment; that in their professional judgement there is low risk from unrecorded shallow mine workings.

3.18 On the basis of the information submitted and the professional opinion of the author for the Phase 1 & Phase II Geo-Environmental Site Assessment Report (Ergo, April 2019), The Coal Authority has no objection to this planning application. However, further more detailed considerations of ground conditions

and/or foundation design may be required as part of any subsequent building regulations application.

3.19 Newcastle International Airport Limited (NIAL)

3.20 I have reviewed the additional information sent through and I will reply on the planning matters relating to this application.

3.21 I thought it would be helpful to summarise our planning decision requests:

3.22 The following noise informative is conditioned upon planning decision:

‘The development hereby approved lies within close proximity to the designated and well-established flight path from Newcastle International Airport. The Airport operates unrestricted flying 365 days per year, 24 hours per day’.

3.23 Noise monitoring - NIAL are willing to accept that no additional noise monitoring is required. This decision has been made given the prominence of road noise (as outlined in the noise assessment and in subsequent emails received).

3.24 In addition, we accept the applicant has considered how dwelling layout and orientation of outside amenity areas has been considered in terms of noise impacts.

3.25 We have also considered the number of dwellings proposed and the close proximity of the development site to an envelope of existing dwellings when making this decision.

3.26 If the size or layout of the proposed development site changes, or if there are changes to the number/dwelling types, our position on noise monitoring may change.

3.27 NIAL therefore request that we are consulted on any changes to layout or dwelling configuration in any subsequent applications.

3.28 The noise insulation - For the reasons outlined previously, NIAL recommends that any planning permission conditions that dwellings will have to be constructed to provide sound insulation against external noise to achieve internal night time bedroom levels of 30 dB LAeq, 8 hours (45 dB L_{Amax}) and internal daytime living room levels of 35 dB LAeq, 16 hours with windows shut and other means of ventilation provided.

3.29 Our further (non-noise) comments and condition requests as outlined in our 15/10/19 response are taken into consideration during planning decisions and subsequent applications.

3.30 Aerodrome Safeguarding

3.31 Physical development

3.32 The development site is located close to the Airports ‘approach and take-off’ protected obstacles limitation surface. The proposed development itself does not present an issue to the operation of the Airport, but the use of cranes during

construction could present a collision hazard and/or impact on the Airport protected obstacle limitation surfaces.

3.33 The use of any crane above 50m in height would penetrate the surface and would require an operator's licence and the issuing of a notice to airmen for the duration of the construction period. It would also need to be fit with medium intensity lighting. If a crane or other construction equipment is required below 50m in height it is requested that the jib is only in the raised position during use, the Airport's air traffic control service is informed before use, should be fit with low intensity lighting, and work should cease during poor visibility and cloud ceilings

3.34 The Airport request that the parameters and procedures of crane use for the scheme be set out in a crane method statement, which should be conditioned as part of a grant of planning consent.

3.35 This should at least set out the following –

The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid;

The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD (see Note below);

The type of crane/equipment (e.g. Tower Crane, Mobile Crane, etc.);

The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;

intended dates and times of operation;

Applicant's name and contact details.

Proposed obstacle lighting to be installed.

3.36 Please note that the Civil Aviation Authority (the UK's aviation regulator) guidance on crane operations is due to change very soon. The published guidance would outline an updated process for notifying/approving crane operations, which would supersede our process set out above and could require the applicant to submit information to the CAA in the first instance.

3.37 Renewable energy sources and materials

3.38 NIAL would require information relating to any photovoltaic cells or micro wind turbines proposed for the development. Details of materials would also be required to ensure that there would no undue reflection which could glare pilots.

3.39 Lighting

3.40 NIAL expects that all lighting be fully cut off so as to eliminate any vertical light spill into the atmosphere, which could act as a distraction for pilots on approach or departing the Airport.

3.41 Flood water infrastructure

3.42 NIAL request that we are consulted on the drainage design of any open water features associated with this development. There is a general presumption against the creation of open water bodies within 13 km of an airfield, due to the increased likelihood of bird strike as a result of habitat formation within close

proximity to the flight path, when aircraft are typically flying at lower level having departed or preparing for arrival at the airport. If any basins will be permanently wet, NIAL expects that the basin be fully planted to cover the surface of the pond with netting used as an interim measure whilst the reed planting is established. If the basin will only be wet during time of flood it is expected that it will drain rapidly (not more than 2 days). It is also expected that water pooling is avoided during construction.

3.43 Landscaping

3.44 Certain types of landscaping can be bird attracting, providing a habitat/feeding source for birds with the potential to result in an increase in bird strike incidences. The grouping of trees in certain arrangements can also provide roosting habitat for species such as starlings, which can be especially hazardous to aircraft owing to the density of flocks.

3.45 The Airport is considered that the below species should not make up greater than 10% of the planting schedule for the site. They should also be dispersed throughout the development to discourage roosting. NIAL would request that we are consulted on a planting schedule for any landscaping proposed.

Crataegus monogyna Hawthorn
Ilex aquifolium Holly
Rosa canina Dog Rose
Berberis spp Barberry
Cotoneaster
Viburnum
Aucuba Buddleia
Callicarpa Beauty Berry
Chaenomeles Japonica
Clerodendrum
Danae Butcher's Broom
Daphne Euonymus Spindle
Hypericum St John's Wort
Lonicera Honeysuckle
Mahonia
Malus Crab Apple
Sorbus aucuparia Rowan
Pernettya Prickly Heath
Prunus avium Wild Cherry
Pyracantha Firethorn
Rhus Sumac
Ribes Ornamental Currant
Sambucus nigra Elder
Skimmia
Stranvaesia
Symphoricarpos Snowberry

3.46 Bird Strike Risk Assessment

3.47 A bird strike risk assessment may be required to inform the development if SUDS or ponding are proposed in any subsequent applications associated with the site. This should be submitted with a planning application for NIAL to review.

3.48 Natural England

3.49 Internationally and nationally designated sites – no objection subject to appropriate mitigation.

3.50 This development falls within the 10km zone of influence for coastal designated at a national 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.

3.51 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.

3.52 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.

3.53 Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

3.54 This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan on the project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

3.55 Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

3.56 Sites of Special Scientific Interest Impact Risk Zones

3.57 The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a SSSI" (Schedule 4, w). Our SSSI

Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help LPA's decide when to consult Natural England on developments likely to affect a SSSI.

3.58 SSSI's

3.59 Local authorities have responsibilities for the conservation of SSSI's under s28G of the Wildlife and Countryside Act 1981 (as amended). The NPPF (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal. Our initial screening indicates that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

3.60 Biodiversity duty

3.61 Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information can be provided.

3.62 Protected Species

3.63 Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

3.64 Local sites and priority habitats and species

3.65 You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geo-conservation groups or recording societies.

3.66 Priority habitats and species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped as either SSSI, on the Magic website or as Local Wildlife Sites (LWS). Lists of priority habitats and species can be provided. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be provided.

3.67 Ancient woodland and veteran trees

3.68 You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities when determining relevant planning applications. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

3.69 Protected Landscapes

3.70 For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The NPPF (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

3.71 Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11A (2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

3.72 Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent character of Heritage Coasts and importance of its conservation.

3.73 Landscape

3.74 Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

3.75 Best and most versatile agricultural land and soils

3.76 LPA's are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance. ALC information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss this matter further.

3.77 Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developers use an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

3.78 Access and recreation

3.79 Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

3.80 Rights of Way, Access land, Coastal access and National Trails

3.81 Paragraph 98 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

3.82 Environmental enhancement

3.83 Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 102d, 118a, 170d, 174b and 175d of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175a of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where on site measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on site.
- Planting new tree characteristic to the local area to make a positive contribution to the local landscape.

- Using native plants in landscaping schemes for better nectar and see sources for bees and birds.
- Incorporating swift boxes and bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

3.84 You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying new opportunities for new greenspace and managing existing (and new) public spaces to more wildlife friendly (e.g. by sowing wild flower strips).
- Planting additional street trees.
- Identifying any improvements to the existing public rights of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).