

**Application No:** 20/01047/FUL Author: Maxine Ingram  
Date valid: 5 August 2020 ☎: 0191 643 6322  
Target decision date: 4 November 2020 Ward: Northumberland

Application type: full planning application

**Location: Field North of 45 Sunholme Drive, Wallsend, Tyne And Wear,**

**Proposal: Development of 35 residential dwellings (C3 use) with the associated infrastructure and landscaping**

Applicant: Persimmon Homes (North East), Miss Beth Feeney Persimmon House  
Roseden Way Newcastle Upon Tyne NE13 9EA

### **RECOMMENDATION:**

**It is recommended that members indicate they are minded to approve the application and grant delegated powers to the Head of Environment, Housing and Leisure to determine the application subject to:**

- a) the conditions set out below and the amendment to, addition or omission of any other condition considered necessary;**
- b) the applicant entering into a legal agreement to secure the following:**
  - 25% (9 affordable units) affordable housing: affordable housing provision to be delivered onsite**
  - £3,629.12 – allotments: towards allotment provision in the south west of the borough**
  - £7,000.00 – ecology and biodiversity: towards mitigating the impacts at the Rising Sun Country Park**
  - £18,637.50 – parks and greenspace: towards mitigating impacts on nearby parks and greenspace**
  - £100,000.00 – primary education**
  - £7,000.00 or 1 apprentice – Employment and training**
  - £5,285.00 – coastal mitigation**

### **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 sits within a wider committed residential development (12/02025/FUL) that was allowed on appeal, December 2014. The proposed site remains within the previously approved development footprint.

2.2 To the east of the site there will be a landscape buffer, this landscaping is associated with earlier phases of development. Beyond this lies the Rising Sun Country Park (RSCP). The area of land to the north of the site will also be a landscape buffer, this landscaping is associated with earlier phases of development. Beyond this lies an existing Public Right of Way (PRoW). To the south and west of the site lies the earlier phases of built development.

## 3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of 35no. houses (3, 4 and 5 bedroom) with associated infrastructure and landscaping.

3.2 Eight house types are proposed:

- Dalby (3 bed)
- Sherwood (3 bed)
- Braunton (3 bed)
- Gisburn (4 bed)
- Greenwood (4 bed)
- Whiteleaf (4 bed)
- Selwood (4 bed)
- Brightstone (5 bed)

3.3 The following documents have been submitted to accompany this application:

- Design and Access Statement
- Planning Statement
- Archaeology Assessment (as approved)
- Flood Risk and Drainage Statement (as approved)
- Drainage Statement (update)
- Site Investigation and Risk Assessment (as approved)
- Ecology Report (update)
- Indicative Landscape Masterplan
- Noise Assessment (as approved)
- Transport Statement (update)
- Travel Plan (update)

## 4.0 Relevant Planning History

4.1 Wider committed residential development, known as East Benton Rise  
18/00452/REM - Reserved matters for the submission of details of; Appearance, Landscaping, Layout and Scale in respect of erection of 295 dwellings, garages and car parking together with associated boundary treatment and infrastructure

pursuant of hybrid application 12/02025/FUL (Revised site layout) – Permitted 05.09.2018

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

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

#### 4.2 Station Road West

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

#### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

#### 6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (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 was adopted in 2017, 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 The site, known as East Benton Rise, was an approved hybrid application allowed at appeal December 2014, under planning application reference 12/02025/FUL. This allowed for the delivery of up to 650 dwellings within the agreed developable area. Landscape buffers were agreed to the perimeter of the site. Subsequent reserved matters applications have been submitted and approved. Therefore, the requirement of 650 dwellings approved under 12/02025/FUL has been reached.

8.11 This application sits within an approved developable area under planning application 12/02025/FUL, however the subsequent reserved matters excluded the parcel of land subject of this application. This application seeks consent for the delivery of 35 dwellings on this land. If approved, this would see the consented number of dwellings at East Benton Rise increased from 650 to 685 in total. Members are advised that the redline boundary of this application does not

encroach onto the previously agreed landscape buffer parameters to the north and east of the site.

8.12 Members need to determine whether the principle of residential development on this site is acceptable. It is officer advice that, the principle of residential development on this site is acceptable, subject to all material considerations set out below being addressed.

### 9.0 North Tyneside 5-Year 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 not included in the assessment that North Tyneside has a 6.1 year supply of housing land. It is the opinion of the officer that the proposed 35 dwellings will make a small, but valuable contribution towards the five year housing land 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 The representation received states there are no objections to the proposed development subject to the landscaping being completed as a priority and for this area of landscaping not to be built on. This representation is noted. Members are advised that the proposed development does not encroach onto the landscape buffers agreed under 12/02025/FUL to the north and east of the site.

10.8 The application site sits in the north east corner of the wider East Benton Rise development. A total of 35 dwellings comprising of 3 to 5 beds is proposed.

10.9 The design comments clearly state that the layout of the proposed development forms a logical extension to the previously approved site layout. The layout will provide connected streets arranged around a perimeter block layout with units overlooking the open space to the east.

10.10 Pedestrian access is provided through direct access footpaths alongside the estate road. The pedestrian access is well connected to the wider residential development approved under 12/02025/FUL which secured connections onto the surrounding PRow network. The proposed development will not impact on the previously agreed or built out pedestrian links which create permeability to Station Road, the RSCP and access to local services. The PRow Officer has been consulted and he has no comments to make.

10.11 The development comprises of 2 and 2.5 storey dwellings. This reflects the scale of dwellings located throughout the wider residential development. The massing of the development has been designed to integrate with its surroundings. The slight variations in height have been used to define key areas such as corner plots.

10.12 The variety of building types, sizes, groupings of building types, sizes, materials and design features (dormers) creates visual interest and reflects the wider design approach previously approved under 12/02025/FUL.

10.13 Northumbrian Police have been consulted. They have not raised any objections to the proposed development but have requested further consideration is given to some of the proposed boundary treatments. These observations are noted.

10.14 Boundary treatment details are shown on the site layout. It is clear from the design comments that these are supported. A condition is recommended to secure the final details of each type of boundary treatment. A condition is also recommended to control the details of surface materials. These conditions are considered to be reasonable and necessary to ensure consistency with the wider residential development.

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

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

10.16 It is acknowledged that the proposed layout can achieve the council's maximum parking standards and provide areas for refuse storage and cycle storage. The internal privacy distances between the proposed dwellings is acceptable.

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

10.18 The previous applications relating to the wider development have been supported by landscaping details showing the planting species and densities across the wider site. The previously agreed landscaping details to the north and east of the site will frame the development within the surrounding area. The landscape buffer surrounding the site will not be affected.

10.19 The Landscape Architect has been consulted. It is clear from her comments that she does not raise any objections to the proposed development. She has recommended conditions to secure the internal landscaping details and pollution prevention measures.

10.20 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 layout is acceptable. As such, the proposed layout complies with the NPPF and policies DM6.1, DM5.9 and DM7.9 of the LP (2017) and the Design Quality SPD.

#### 11.0 Impact upon the amenity of existing and future residents

11.1 The NPPF states that there are three dimensions to sustainable development; economic, social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.

11.2 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.

11.3 Policy S1.4 'General Development Principles' 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 Policy DM6.1 'Design of Development' states that proposals are expected to demonstrate a good standard of amenity for existing and future residents and users of buildings and spaces.

11.5 Policy DM5.19 'Pollution' states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

11.6 Policy DM4.9 'Housing Standards' states that all new homes, both market and affordable, will meet the Government's Nationally Described Space Standard (NDSS).

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 As already discussed, it is officer advice that the layout of the proposed development is acceptable in terms of privacy distances and its relationship with the wider residential development. However, it is noted that the site slopes north to south therefore, a levels condition will be necessary.

11.9 The applicant has confirmed within their Planning Statement that the proposed dwellings' internal layout would comply with Policy DM4.9 of the LP.

11.10 Members are advised that a full noise assessment was undertaken for the original hybrid application (12/02025/FUL), which included the area of the proposed site. The applicant has stated within their Planning Statement that the site is not impacted by noise and no mitigation is proposed.

11.11 The Manager for Environmental Health has been consulted. She has raised no objections to the proposed development subject to conditions being imposed to control the hours of construction and dust suppression.

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

## 12.0 Highways

12.1 The NPPF paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.2 The NPPF paragraph 110 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

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

12.4 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and

seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being.

12.5 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

12.6 The site will be accessed via the internal estate road serving the wider residential development. Each dwelling has also been provided with its own off-street parking and cycle storage.

12.7 Members are advised that the original hybrid application (12/02025/FUL) was accompanied by a Transport Assessment (TA) and Transport Statement (TS). The TA assessed the local highway network and it was tested in the council's Micro-simulation Transport Model. Several off-site highway improvements were secured to mitigate the impacts of the wider residential development.

12.8 A Transport Statement (TS) has been submitted as part of this application. This advises that the highway improvements secured under 12/02025/FUL will be sufficient to mitigate the impacts of the additional traffic generated as a result of this development. A Framework Travel (TP) has also been submitted.

12.9 The Highways Network Manager has been consulted. He has raised no objections to the proposed development subject to the recommended conditions being imposed.

12.10 Highways England have been consulted. They have raised no objections.

12.11 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 that these resources will be protected, created, enhanced and managed having regard to their relevant significance.

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

13.6 The applicant has advised that the site presently has low ecological value due to the proximity to existing site works and no vegetation is present which would require removal. The ecology considerations associated with the development of this land for housing has been assessed fully under the original hybrid application (12/02025/FUL). As part of the hybrid application a landscape buffer provided around the perimeter of the wider development was secured; as well as contributions towards off-site mitigation. This agreed landscape buffer will not be impacted by the proposed development.

13.7 An updated Ecology Report has been submitted. The Biodiversity Officer has been consulted. She has advised that the site is outside of the approved landscaping areas and therefore, there should be no impact on these previously agreed areas. Subject to the imposition of the suggested conditions, she has raised no objection.

13.8 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 (£151.00 per dwelling). The applicant has agreed to pay this financial contribution.

13.9 Natural England has been consulted. They have raised no objection to the proposed development subject to the applicant paying the Coastal Mitigation tariff.

13.10 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 the imposition of the suggested conditions and securing the coastal mitigation contribution, the proposed development would accord with the NPPF and policy DM5.5 of the Local Plan.

#### 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 Development and Flood Risk” states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

14.5 An extensive Flood Risk Assessment (FRA) was undertaken under the original hybrid application (12/02025/FUL), including this site. This assessment concluded that through the use of SUDs, which are now constructed in the south of the wider residential development, the outfall locations were acceptable in planning terms.

14.6 The Lead Local Flood Authority (LLFA) has been consulted. They have advised that they have no objections to the proposed development. The surface water attenuation required for this phase of the development will be accommodated within the proposed surface water drainage network and the storage pond constructed in the south east corner of the wider residential development.

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

14.8 The Environment Agent (EA) has been consulted. They have raised no objection to the proposed development.

14.9 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.

#### 14.10 Ground conditions

14.11 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.

14.12 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 effect, 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 effect, these will be required as a condition of any planning permission.”

14.13 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.

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

14.15 The Coal Authority has been consulted. They have raised no objections to the proposed development.

14.16 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.

#### 14.17 Aviation Safety

14.18 Newcastle International Airport Limited (NIAL) has been consulted. They have raised no objections to this development in terms of aviation safety.

#### 14.19 Archaeology

14.20 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”.

14.21 LP Policy DM6.7 ‘Archaeological Heritage’ seeks to protect, enhance and promote the borough’s archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

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

#### 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. The following contributions have been requested:

25% (9 affordable units) affordable housing: affordable housing provision to be delivered onsite

£3, 629.12 – allotments: towards allotment provision in the south west of the borough

£7, 000.00 – ecology and biodiversity: towards mitigating the impacts at the Rising Sun Country Park

£18,637.50 – parks and greenspace: towards mitigating impacts on nearby parks and greenspace

£100,000.00 – primary education

£7,000.00 or 1 apprentice – Employment and training

15.9 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.

15.10 This development would be CIL liable.

15.11 Members are advised that the applicant has agreed to pay the requested S106 contributions and the coastal mitigation tariff.

#### 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 35no. new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. 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 Conclusions

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

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

17.3 The application site is designated in the Local Plan as a site with planning permission. In terms of the impact of the development, it is officer advice that the development is acceptable in terms of its impact on amenity (residential and visual) the highway network, biodiversity, flood risk, land stability and contaminated land issues.

17.4 Approval is recommended.

**RECOMMENDATION:     Minded to grant legal agreement req.**

**It is recommended that members indicate they are minded to approve the application and the Head of Environment, Housing and Leisure be authorised to determine the application subject to:**

**a) the conditions set out below and the amendment to, addition or omission of any other condition considered necessary;**

**b) the applicant entering into a legal agreement to secure the following:**

**25% (9 affordable units) affordable housing: affordable housing provision to be delivered onsite**

**£3,629.12 – allotments: towards allotment provision in the south west of the borough**

**£7,000.00 – ecology and biodiversity: towards mitigating the impacts at the Rising Sun Country Park**

**£18,637.50 – parks and greenspace: towards mitigating impacts on nearby parks and greenspace**

**£100,000.00 – primary education**

**£7,000.00 or 1 apprentice – Employment and training**

**£5,285.00 – coastal mitigation**

### **Conditions/Reasons**

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

Location plan Dwg No. 175/A/GA/102 Rev A

Architectural Layout Dwg No 298/A/GA/005 Rev E

Dalby (R20) DY-WD17

Sherwood (R20) SW-WD17

Braunton (R20) BN-WD17

Gisburn (R20) GB-WD17  
Greenwood (R20) GW-WD17  
Whiteleaf (R20) WL-WD17  
Selwood (R20) SW-WD17  
Brightstone (R20) BS-WD17  
Flood Risk Assessment and Surface Water Management Plan QD467 (Feb 2014) Rev F

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

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

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

3. No other part of the development shall begin 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).

4. Notwithstanding Condition 1, no development shall take place until details of traffic calming measures to 20mph have been 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: This information is required from the outset enable the Local Planning Authority to retain control over the provision of traffic calming to secure a satisfactory standard of development and in the interests of highway and pedestrian safety having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policies DM7.4 and DM6.1 of the North Tyneside Local Plan (2017).

6. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of facilities to be provided for the storage of refuse, recycling and garden waste at each residential dwelling shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to the occupation of each residential dwelling and thereafter permanently retained.

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

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

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

8. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

9. Notwithstanding the details submitted in the Framework Travel Plan, no dwelling hereby approved shall be occupied until a Full Travel Plan has been submitted to and approved by in writing the Local Planning Authority. The Travel Plan will require the Travel Plan Coordinator to be in place prior to first occupation until at least two years from occupation of the final dwelling and will also include an undertaking to conduct travel surveys to monitor whether the Travel Plan targets are being met and be retained thereafter.

Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to the NPPF.

10. 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.

11. 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.

12. 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.

13. 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 management, including details of arrangements for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree planting, ground preparation noting the species and sizes for all new tree planting (trees to be a minimum 12-14cm girth). All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation. The landscape management plan 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).

14. Notwithstanding Condition 1, no development shall take place until a scheme detailing pollution prevention measures to prevent contamination watercourses or land, including a programme for implementation, has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.

Reason: This information is required from the outset to ensure adjacent watercourses are adequately protected having regard to policy DM5.5 of the North Tyneside Local Plan (2017).

15. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Lighting, particularly along or adjacent to hedgerows to the north and east of the site will be low lux and low level with cowls fitted to reduce light spill.

The development shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To ensure adjacent habitats and landscaping are adequately protected having regard to policy DM5.5 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 details of 4no. 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).

17. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 4no. 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).

18. 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).

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

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

20. 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).

21. 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. 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).

22. 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).

23. 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).

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

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

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

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

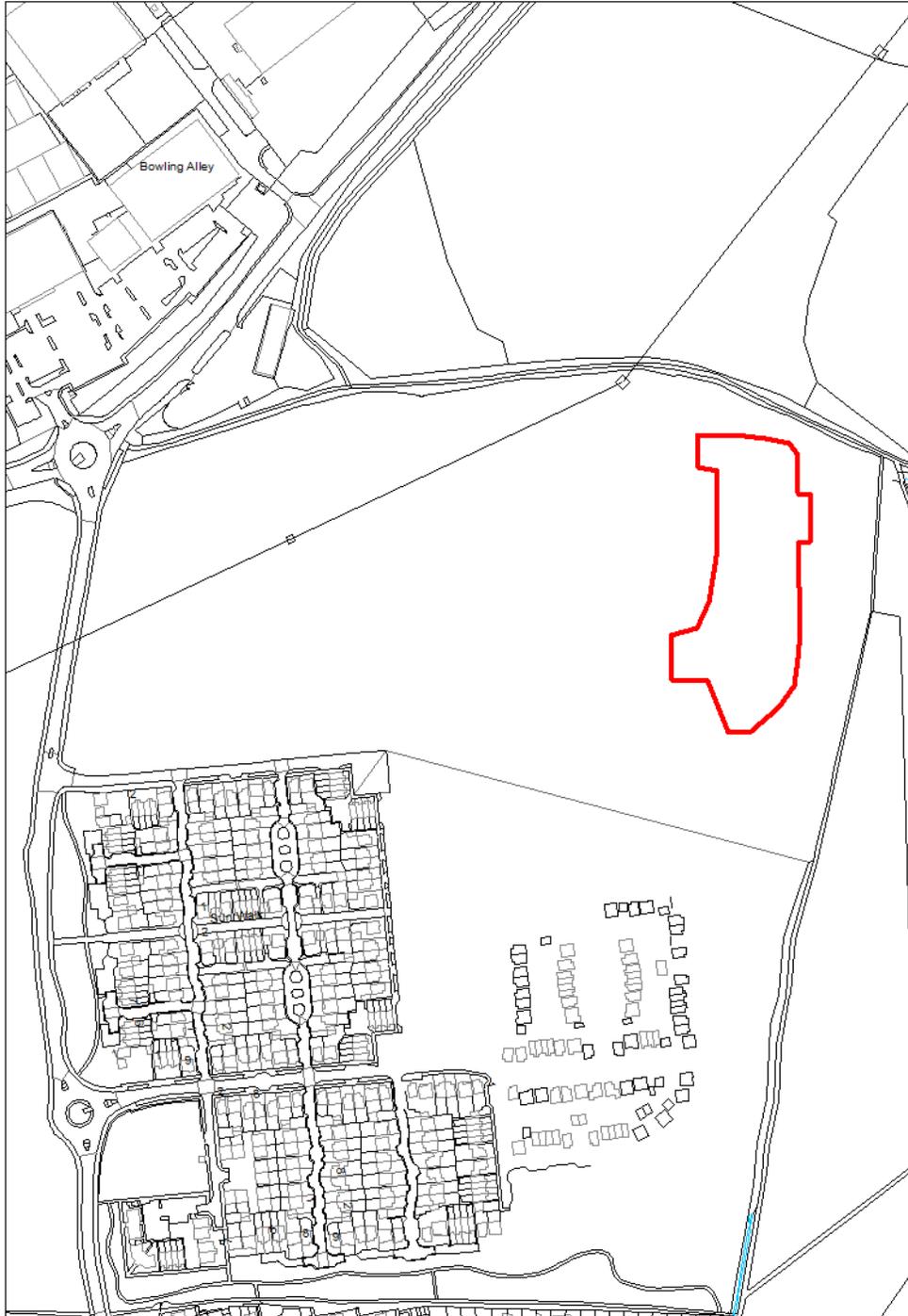
Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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

**Environment Agency Advice** Historic landfill The proposed development lies approximately 20m to the south of the south-east corner of a historic landfill site. This is the Rising Sun landfill site operated by Longbenton Urban District Council between 1965 and 1974 and thus prior to the requirement to licence landfilling activities (under COPA 1974). The site is known to have accepted construction, demolition, cesspool contents, sewage sludge, inert process waste and general factory waste. It is understood that the site was filled as part of a reclamation scheme mainly with domestic wastes but also some industrial and commercial to a maximum depth of around 20m. Local Authority monitoring occasionally detected significant levels of Landfill Gas within the body of the site between 1990-96, although the EA has no additional monitoring information for this site. As a historic landfill the responsibility of for environmental monitoring remains with the Local Authority and further information may be available from them.

**Landfill gas** Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance. The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites such as this may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures. Development within 50m of any known gassing landfill site that accepted hazardous or non-hazardous waste should be considered very carefully, as even with appropriate building control measures in place, landfill gas can accumulate in confined spaces in gardens (e.g. sheds, small extensions) and can gain access to service pipes and drains where it can accumulate or migrate away from the site.

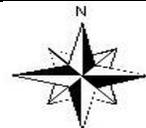


**Application reference: 20/01047/FUL**  
**Location: Field North Of, 45 Sunholme Drive, Wallsend, Tyne And Wear**  
**Proposal: Development of 35 residential dwellings (C3 use) with the associated infrastructure and landscaping**

Not to scale

Date: 12.11.2020

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0100016801



**Appendix 1 – 20/01047/FUL  
Item 1**

**Consultations/representations**

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This is an application for the development of 35 residential dwellings (C3 use) with the associated infrastructure and landscaping.

1.3 A hybrid application was granted permission on appeal in 2014 (12/02025/FUL) and another hybrid application was granted permission in 2017 on the west side of Station Road (16/01885/FUL).

1.4 A Transport Assessment (TA) was included as part of the previous applications that assessed the local highway network and was tested in the council's Micro-simulation Transport Model. The following off-site highway improvements will be carried out as part of the two previous applications:

1.5 The agreed works are set out below:

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

New roundabout junction to the south of the site  
Secondary T-junction access to the north of the site  
Traffic signals at the junction of Hotspur Road  
Localised widening at the junction of Mullen Road & Wiltshire Drive  
Improvements to the junction with the A1058 Coast Road  
Improvements to junction of A186 Station Road & A191 Whitley Road  
roundabout

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

New roundabout junction at the site access (north)  
Alterations to the roundabout junction at the site access (south)  
New traffic signals with pedestrian & cycle crossing facilities at the junction of the A1058 (Coast Road) & A186 (Station Road North)  
Toucan crossing on the A191 to the east of Proctor & Gamble connecting into existing routes  
Localised road widening  
Upgrade & widening of footpaths surrounding the site  
Connection & enhancements to the continuous shared footway/cycleway on southern side of A191 (Whitley Road)  
Associated street lighting  
Associated drainage  
Associated road markings  
Associated Traffic Regulation Orders  
Associated street furniture & signage

1.8 A further Transport Statement (TS) was submitted as part of the current application and it is considered that those highway improvements previously agreed will be sufficient for the additional traffic generated and a Framework Travel Plan (TP) has also been submitted. Parking has been provided in

accordance with current standards and cycle storage will be provided for each dwelling. Conditional approval is recommended.

#### 1.9 Recommendation - Conditional Approval

##### 1.10 Conditions:

ACC10 - New Access: Access before Devel

ACC27 - Traffic calming measures to 20mph

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

Notwithstanding the details submitted in the Framework Travel Plan, no part of the development shall be occupied until a Full Travel Plan has been submitted to and approved by in writing the Local Planning Authority. The Travel Plan will require the Travel Plan Coordinator to be in place prior to first occupation until at least two years from occupation of the final dwelling and will also include an undertaking to conduct travel surveys to monitor whether the Travel Plan targets are being met and be retained thereafter.

Reason: To accord with Central Government and Council Policy concerning sustainable transport.

##### 1.11 Informatives:

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlp

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

#### 1.12 Public Rights of Way Officer

1.13 No objection.

#### 1.14 Regeneration and Economic Development

1.15 No objection.

#### 1.16 Manager for Environmental Health

1.17 I have no objection in principle to this application and would recommend conditions for dust and construction hours are attached.

HOU04

SIT03

#### 1.18 Biodiversity Officer

1.19 The above application is for the development of 35 residential dwellings which form part of an extension to a previously approved housing site. The units are located in the north east corner of this approved site, overlooking the Rising Sun Country Park to the east. The scheme is outside of approved landscaping

areas approved under the previous application and therefore, there should be no impact on previously approved adjacent boundary planting.

1.20 The scheme is also within the Zone of Influence of coastal designated sites and will have an impact on these sites 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

1.21 The following conditions will need to be applied to the application:

No development shall take place until a fully detailed landscape scheme and a landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree planting, ground preparation noting the species and sizes for all new tree planting (trees to be a minimum 12-14cm girth). All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

No development shall take place until a scheme detailing pollution prevention measures to prevent contamination watercourses or land, including a programme for implementation, has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.

No development shall take place until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. Lighting, particularly along or adjacent to hedgerows to the north and east of the site will be low lux and low level with cowls fitted to reduce light spill. The development shall be carried out in accordance with the approved scheme.

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 Coastal Mitigation SPD.

4no. bird boxes will be provided on new buildings within the development site and in suitable locations. 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

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

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

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°.

### 1.23 Landscape Architect

#### 1.24 Existing Site Context

1.25 The application refers to an open-aspect (part-developed) area of former arable farmland, which is largely rectangular in shape and incorporating a gentle but progressive sloping landform, which falls south-easterly from the junction of the A191 Whitley Road and the A186 Station Road, before meeting the rising landform of the Rising Sun Countryside Park (RSCP) bordering its eastern perimeter. The adjacent land uses along the eastern perimeter of the site include significant areas of woodland and associated important nature reserve with ponds, woodlands and extensive grasslands and wildlife habitats, associated with the Rising Sun Countryside Park (RSCP) and further farmland including, hedgerows, linear tree groupings and fractured woodland blocks, which culminate along the northern boundary of the site. A motor showroom inhabits a fillet of land, formed by the northwestern corner of the site boundary and the adjacent A191 Whitley Road. The south side of the site perimeter is closely bordered by the residential housing developments of Sunholme Drive and Leicester Close, with the north to south alignment of the A186 Station Road forming along the western boundary, where the internal site areas are accessed from.

1.26 There is a small area of vegetation to the north and partly within the site boundary with any hedgerows and ditches outside the application boundary to the east and north. There are no trees present on the site. Directly to the west, development is currently underway, although as part of an earlier phase of the development, linear landscaped parkland, incorporating water bodies and countryside paths are presently being formed and laid out along the south and eastern perimeters, which are designed to provide a landscape buffer zone between the respective and adjacent residential and semi-natural land uses.

1.27 The layout proposes 35 residential dwellings which form an extension to the previously approved site layout. The units to the eastern boundary will overlook the open space. Any proposed landscape related to the internal layout of the housing with planting to the boundaries of the site previously approved.

1.28 The following conditions are to be applied:

No development shall take place until a fully detailed landscape scheme and a landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree planting, ground preparation noting the species and sizes for all new tree planting (trees to be a minimum 12-14cm girth). All planting, seeding or turfing comprised in the approved details of landscaping

shall be carried out in the first planting and seeding seasons and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

No development shall take place until a scheme detailing pollution prevention measures to prevent contamination watercourses or land, including a programme for implementation, has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.

#### 1.29 Contaminated Land Officer

1.30 I note that a Gas Monitoring Addendum report was submitted in support of this application. I note the following about it:

- it is 6 years old;
- there are no well installation details;
- there are no borehole logs; and,
- there is no site plan showing the location of the boreholes in relation to the application site.

Based on the above I cannot accept this report. As the site has a proposed sensitive end use and due to the out of date and incomplete information submitted for the gas the following must be applied:

Con 001  
Gas 006

#### 1.31 Lead Local Flood Authority (LLFA)

1.32 I have carried out a review of Planning Application 20/01047/FUL, I can confirm I have no objections to the proposals as the surface water attenuation required for this phase of the development will be accommodated within the proposed surface water drainage network and the East Benton Rise storage pond constructed within phase 1 of the development.

#### 1.33 Design

1.34 The layout of the proposed 35 residential dwellings form a logical extension to the previously approved site layout. The layout will provide connected streets arranged around a perimeter block layout with units overlooking open space to the east.

1.35 Boundary treatment details are shown on the site layout which are supported; however drawings should be submitted for each type of boundary treatment. Surface materials have not been identified which should be agreed as part of the application and be consistent with the wider site.

### 2.0 Representations

2.1 One representation has been received. The comments are set out below: I have no obligations to the planning permission for the 35 houses, however if this application is granted, I would like Persimmon to have to complete the landscaping of the field as a priority.

Plan attached which highlights land to the south of the application site. I live directly in front of this field and was told the plan was to have it completed this summer however work has not yet begun. It is currently just a field of mud/weeds.

I would also like to request planning permission not be granted on the same highlighted field, the landscaped field leading to the Rising Sun was one of the main reasons I purchased my home.

### 3.0 External Consultees

#### 3.1 The Coal Authority

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

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

#### 3.4 Northumbria Police

3.5 National Planning Practice Guidance (NPPG), Note 7.5 reiterates that Designing Out Crime and Designing in community safety should be central to the planning and delivery of the new development. Specifically the NPPG on design reminds practitioners that local authorities are duty bound to adhere to Section 17 of the Crime and Disorder Act 1998 and exercise their functions with due regard to their likely effect on crime and disorder and do all that they reasonably can to prevent and crime disorder.

3.6 I have considered the documents and I am happy with regards to layout of the development, however, I would like to make the following observations around the boundary treatments. Whilst we do always recommend an 1800mm high boundary for rear gardens, those properties which have rear access to gardens via a footpath, I would always recommend these treatments are 1500mm with a 300mm sacrificial topping (trellis for example), this will make anyone using these footpaths more noticeable. This type of boundary treatment should be recommended for the "triple block" properties.

#### 3.7 Northumbrian Water

3.8 In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within the Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. 3.9 We do not offer comment on aspects of planning applications that are outside of our area of control.

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

3.11 We would have no issues to raise with the above application, provided the application is approved and carried out in strict accordance with the submitted document entitled 'Flood Risk Assessment and Surface Water Management Plan'. This document contains a pre-planning enquiry from Northumbrian Water confirming agreed points of connection.

3.12 We would therefore request the above document forms part of the approved documents listed in any planning approval granted and the development should be implemented in accordance with this document.

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

3.14 Newcastle International Airport Limited (NIAL)

3.15 No comments to make.

3.16 Highways England

3.17 No objection.

3.18 Tyne and Wear Archaeology Officer

3.19 This site has previously been subject to archaeological desk based assessment, geophysical survey and trial trench evaluation. No further investigation is required for this application.

3.20 Environment Agency (EA)

3.21 We have no objection to the proposed development as submitted, However, we have the following advice:

3.22 Historic landfill – advice to LPA/applicant

3.23 The proposed development lies approximately 20m to the south of the south-east corner of a historic landfill site. This is the Rising Sun landfill site operated by Longbenton Urban District Council between 1965 and 1974 and thus prior to the requirement to licence landfilling activities (under COPA 1974). The site is known to have accepted construction, demolition, cesspool contents, sewage sludge, inert process waste and general factory waste.

3.24 It is understood that the site was filled as part of a reclamation scheme mainly with domestic wastes but also some industrial and commercial to a maximum depth of around 20m. Local Authority monitoring occasionally detected significant levels of Landfill Gas within the body of the site between 1990-96, although the EA has no additional monitoring information for this site. As a historic landfill the responsibility of for environmental monitoring remains with the Local Authority and further information may be available from them.

### 3.25 Landfill gas – advice to LPA/applicant

3.26 Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance.

3.27 The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites such as this may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

3.28 Development within 50m of any known gassing landfill site that accepted hazardous or non-hazardous waste should be considered very carefully, as even with appropriate building control measures in place, landfill gas can accumulate in confined spaces in gardens (e.g. sheds, small extensions) and can gain access to service pipes and drains where it can accumulate or migrate away from the site.

### 3.29 Natural England

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

3.31 This development falls within the ‘zone of influence’ for coastal sites 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.

3.32 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.

3.33 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.

3.34 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).

3.35 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.

3.36 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.

### 3.37 Sites of Special Scientific Interest Impact Risk Zones

3.38 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.

### 3.39 SSSI’s

3.40 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.

### 3.41 Biodiversity duty

3.42 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.

### 3.43 Protected Species

3.44 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.

### 3.45 Local sites and priority habitats and species

3.46 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.

3.47 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.

### 3.48 Ancient woodland and veteran trees

3.49 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.

### 3.50 Protected Landscapes

3.51 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.

3.52 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.

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

#### 3.54 Landscape

3.55 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.

#### 3.56 Best and most versatile agricultural land and soils

3.57 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 the 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.

3.58 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.

#### 3.59 Access and recreation

3.60 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.

#### 3.61 Rights of Way, Access land, Coastal access and National Trails

3.62 Paragraph 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts.

Consideration should also be given to the potential impacts on the any nearby National Trails, including the England Coast Path. The National Trails website provides information including contact details for the National Trail Officer.

### 3.63 Environmental enhancement

3.64 Development provides opportunities to secure a net gains for biodiversity and wider environmental gains as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy set out in paragraph 175 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 trees 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.

3.65 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).