

Application No: 20/00604/REM

Author: Rebecca Andison

Date valid: 12 May 2020
Target decision date: 11 August 2020

☎: 0191 643 6321
Ward: Riverside

Application type: approval of reserved matters

Location: Howdon Green Industrial Estate, Norman Terrace, Wallsend, Tyne And Wear

Proposal: Submission of Reserved Matters pursuant to Outline Planning Approval for residential development for 83 dwellings including details of layout, scale, appearance and landscaping of the site

Applicant: Mr Ken Haldane, 1st Floor Pegasus House 37-43 Sackville Street
London W1S 3EH

Agent: Persimmon Homes, FAO Mr Samuel Kenny Persimmon House Roseden
Way Newcastle Great Park NE13 9EA

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.1 The main issues for Members to consider in this case are whether the reserved matters relating to the layout, scale, appearance and landscaping for outline planning permission 08/03131/OUT are acceptable.

2.0 Description of the Site

2.1 The application site is a vacant industrial estate of 3.1 hectares in area, allocated for housing (Site 103 Howdon Green) within the North Tyneside Local Plan.

2.2 The site has been subject to landfill in the past and the levels across the land rise significantly to the north. The site is accessed via Norman Terrace to the south and is surrounded by mature planting.

2.3 To the west of the site is a recently completed housing scheme for 14no. dwellings and to the east is a large area of designated open space with the A19 beyond. To the south are existing Victorian terrace properties, and to the north is Howdon Park. There are strategic cycle routes to the west and the east of the site.

3.0 Description of the Proposed Development

3.1 In 2017 outline planning permission was granted for a development of 83no. dwellings.

3.2 This application seeks approval of the matters reserved under condition 1 of the outline permission. A total of 83no. dwellings including 10no. affordable units are proposed.

3.3 In support of the application, the following reports/documents have been submitted:

- Planning Statement, incorporating Affordable Housing Statement
- Design and Access Statement
- Air quality assessment
- Arboricultural method statement
- Breeding bird survey
- Ecological impact assessment
- Preliminary ecological appraisal
- Protected species assessment
- Travel plan
- Transport assessment
- Noise assessment

4.0 Relevant Planning History

08/03131/OUT - Outline planning application for residential development for 83 dwellings and details of proposed access – Permitted 10.05.2017

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 National Planning Practice Guidance (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 whether the reserved matters relating to the layout, scale, appearance and landscaping for outline planning permission 08/03131/OUT are acceptable.

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

8.0 Preliminary Matters

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

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

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

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

8.5 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.

8.6 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).

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

8.8 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development or areas specific policies of the Local Plan.

8.9 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

8.10 The application site is identified for housing under Policy S4.3 of the North Tyneside Local Plan (2017).

8.11 The principle of building 83no. residential dwellings on this site was firmly established when outline planning permission was granted in 2017.

9.0 Layout

9.1 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.

9.2 Paragraph 127 of the NPPF states that planning policies and decisions, amongst other matters, should ensure that developments:

- will function well and add to the overall quantity 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;
- 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 site 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.

9.3 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.

9.4 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.

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

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

9.7 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.

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

Accessibility of homes:

Market Housing

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

Affordable Housing

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

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

Internal Space in a Home:

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

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

9.10 Policy DM6.1 states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

9.11 Policy DM6.1 states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

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

9.13 Policy DM5.14 'Surface Water Run off' of the Local Plan states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable.

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

9.15 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.

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

9.17 The overall layout of the development is similar to the indicative layout submitted as part of the outline application (08/03131/OUT).

9.18 The development is designed around a primary access route which leads into the site from Normal Terrace and culminates in two cul-de-sacs. It includes a mixture of 2 and 2.5 storey terraced, semi-detached and detached dwellings. Some properties are provided with integral or detached garages, while others have frontage parking.

9.19 The topography of the site comprises two flat areas dissected by a large rise in the centre. To accommodate the difference in land levels the development includes a retaining structure which runs between the rear gardens of two rows of properties.

9.20 The development retains a belt of mature trees around its perimeter and includes additional tree planting in these areas to mitigate for trees that would be lost elsewhere within the site.

9.21 The Planning Policy Officer (Design) has provided comments throughout the application process, and changes to the scheme have been made to address the concerns raised. The Planning Policy Officer still has concerns regarding the arrangement of the 2.5 storey units (units 32 – 37) and the impact they would have on the streetscene. He also has concerns regarding the amount of parking which is proposed in front of these units.

9.22 The applicant has amended the layout to reduce the concentration of parking to the front of properties and introduced areas of planting to help break up the areas of hard surfacing. They have advised that it is not possible to make further changes without compromising the levels of parking provided.

9.23 With regards to the distribution of the 2.5 storey units the applicant has advised that due to the level changes within the site there will be 1m (approx.) retaining walls staggered between the different house types in the area of the site where units 32-37 are located. This means that instead of a change in height a gradual climb of roof ridges will be seen in this area. The ridge heights will level off at plot 38, which will sit 1 metre higher than plots 35-37 and thus their roof lines will align. It is also noted that there are limited views of this part of the site as plots 35-38 are set back as they follow the bend of the road.

9.24 On balance, it is officer opinion that the parking layout and the distribution of the 2.5 storey units is acceptable.

9.25 The development provides adequate separation distances between dwellings within the development to ensure that future occupiers enjoy good levels of light, outlook and privacy, and the dwellings meet the Government's Nationally Described Space Standard (NDSS).

9.26 The separation distances provided between the development and existing residential properties are also considered to be acceptable. The proposed dwelling on plot 1 would be located approximately 12m to the north of existing housing on Norman Terrace. The southern gable elevation contains ground and first floor windows, some of which serve habitable rooms. Given that these rooms are also served by windows in the rear elevation of the property it is considered acceptable to impose a condition requiring that the first-floor windows are obscurely gazed. This would prevent any loss of privacy to existing residents. The other properties along the south elevation of the development would be at least 35m from existing dwellings.

9.27 A minimum of 21m would be provided between dwellings on the west side of the street and existing residential properties on Howdon Green.

9.28 The application includes a noise assessment (dated 2008) which was also submitted as part of the outline application.

9.29 The Manager of Environmental Health has been consulted and provided comments. She states that the air quality assessment and the noise assessment date back to 2008 and in most instances it would be necessary for these reports to have been updated to reflect the most current noise climate. However, it is noted that the industrial estate is no longer in existence and the A19 noise

climate will have improved due to road changes for the Tyne Tunnel resulting in improved traffic flow. The Manager of Environmental Health therefore considers that the implementation of the mitigation measures specified within the noise assessment report should ensure that the development achieves acceptable noise levels within the homes and gardens subject to acoustic fencing being provided along the boundaries gardens facing towards the A19. Conditions are recommended in respect of: construction and piling hours, dust suppression measures and requiring that double boarded fencing must be fitted to all gardens adjacent to the A19.

9.30 The outline application includes conditions for dust suppression measures and to control the construction hours. The applicant will be required to comply with these conditions. It is recommended that additional conditions are imposed to control the hours during which piling can take place and the boundary fencing.

9.31 The means of access was agreed at the outline stage. There is a single point of access for the development, taken directly from Norman Terrace in the south west corner of the site.

9.32 A Transport Assessment (TA) and Travel Plan (TP) were submitted as part of the outline application. These assessed the local highway network and demonstrated that the impact of the development on the local highway network would not be severe under the guidance set out in the NPPF.

9.33 The Highway Network Manager has been consulted and recommends conditional approval of the application. He notes that the principle of development has already been agreed and that appropriate conditions and informatives were included as part of the outline permission. He advises that the proposed layout is acceptable in terms of parking provision, highway layout and pedestrian and cycle accessibility. He recommends conditions in respect of a construction management plan and wheel wash facilities. These conditions are included as part of the outline permission.

9.34 A Flood Risk Assessment (FRA) was submitted as part of the outline application. Surface water attenuation will be provided for a 100year +40% rainfall event via a SUDs storage pond in the south east corner of the site and the existing surface water drainage network. The surface water discharge rate would be restricted to equivalent greenfield run-off rates before discharging into the local sewer network.

9.35 The Council's Local Lead Flood Authority (LLFA) has been consulted. He advises that he has no objections to the proposal and recommends conditions requiring that the development is constructed in accordance with the submitted details and that details of the SUDs maintenance regime and management company are provided.

9.36 Northumbrian Water has been consulted. They advise that a condition will be required in respect of a detailed scheme for the disposal of foul and surface water.

9.37 Members need to consider whether the layout of the proposed development is acceptable and whether it would accord with the advice in NPPF, policies DM7.4, DM5.19, DM5.15 and DM6.1 of the North Tyneside Local Plan and the 'Design Quality' SPD and weight this in their decision. Subject to conditions, it is officer advice that the proposed layout is acceptable and accords with national and local planning policies.

10.0 Scale

10.1 The NPPF states that local planning policies and decisions should ensure that developments that are sympathetic to local character, including the built environment, while not preventing or discouraging appropriate innovation or change (such as increased densities).

10.2 Policy DM6.1 'Design of Development' states that designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Amongst other criteria proposals are expected to demonstrate (a) a design responsive to landscape features, topography, site orientation and existing buildings, and (b) a positive relationship to neighbouring buildings and spaces.

10.3 The Design Quality SPD states that the scale, mass and form of new buildings are some of the most important factors in producing good design and ensuring development integrates into its setting.

10.4 The detailed design of the application is consistent with the design principles set out in the outline application. The development is predominantly 2-storey but some of the units provide accommodation over three floors by including rooflights. The height of the development is in keeping with the existing housing to the south and west.

10.5 A condition relating to levels was imposed as part of the outline application; the applicant will be required to meet the requirements of this condition.

10.6 Members need to determine whether the proposed scale is acceptable and whether it would accord with the NPPF, Policy DM6.1 and the 'Design Quality' SPD and weight this in their decision. It is officer advice that the proposed scale of the development is acceptable and accords with national and local planning policies.

11.0 Appearance

11.1 The Design Quality SPD states that the appearance and materials chosen for a scheme should create a place with a locally inspired or otherwise distinctive character. In all cases new developments should have a consistent approach to use of materials and the design and style of windows, doors, roof pitches and other important features.

11.2 The development is divided into two zones, rural and traditional, with each containing a range of complementary house types. The traditional zone runs from the site entrance, up the main spine route to the northern quarter of the site. Its character is designed to reflect the more urban residential area to the south

and west of the site. Dwellings would be constructed from red/multi brick with black doors, and the front gardens would be enclosed by black railings. The rural zone is located off the spine road and comprises quieter cul-de-sacs. Dwellings in this area would be constructed predominantly from buff brick with white doors and open plan front gardens.

11.3 The house types are traditional in form and incorporate features such as porches, stone window heads and sills.

11.4 Boundary treatments include 0.7m high black estate railings around the front gardens, 1.8m high fencing around the rear gardens and masonry walls with vertical fence panels to corner plots.

11.5 Conditions relating to the means of enclosure were imposed as part of the outline permission. The applicant will need to comply with this condition. Given that the outline application does not include conditions in respect of building or surfacing materials, it is recommended that these are imposed.

11.6 Members need to determine whether the proposed appearance is acceptable and whether it accords with policy DM6.1 and the Design Quality SPD and weight this in their decision. Subject to conditions, it is officer advice that the proposed appearance is acceptable and accords with national and local planning policies.

12.0 Landscaping and ecology

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

12.2 Paragraph 175 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

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

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

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

12.6 The ecology issues associated with the development of this land for housing have been assessed and fully considered as part of the approved outline application. The outline application included a tree survey, bat survey and great crested next assessment and protected species assessment. These documents have been resubmitted as part of the current application.

12.7 An Arboricultural Method Statement, Breeding Bird Survey, Preliminary Ecological Appraisal and Ecological Impact Assessment have been provided.

12.8 The application site consists of woodland, dense scrub, semi-improved grassland and bare ground with scattered scrub. The Ecological Impact Assessment (EclA) states that the site is of local value for bat species and is of up to parish value for breeding birds. The boundary habitats, particularly the broad-leaved woodland areas provide the most valuable habitat. A butterfly survey has also been undertaken. The survey recorded 13no. species of common butterfly within the grassland areas but dingy skipper and grayling butterfly (priority species) were not recorded.

12.9 All the semi-improved grassland and sections of broadleaved woodland and scrub would be lost to facilitate the scheme. Policy DM5.5 states that proposals should incorporate beneficial biodiversity and conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate. While no mitigation has been provided for the lost habitat it is important to note that outline planning permission has already been given to construct 83no dwellings on the site. The indicative layout submitted with the outline application clearly shows that a development of this size would require all the grassland habitat and some trees to be removed.

12.10 It is proposed to remove sections of 2no. tree groups on the west side of the site, 6no. trees in the south east corner to construct a drainage pipe for the SUD's area and 5no. trees from the south side of the site due to their proximity to the proposed dwellings. The level of tree loss is similar to that shown on the indicative plans submitted under the outline application. The proposed layout retains the majority of the mature trees around the site's boundary, and additional planting is proposed in these areas to mitigate for the trees that would be lost.

12.11 The Biodiversity Officer and Landscape Architect have been consulted and provided comments. With regards to the removal of trees for the drainage pipe they note that the number of trees to be removed has been reduced but question whether more trees could be retained by using alternative methods of installation such as trenchless techniques. The applicant has stated that this is not possible due to the topography of the site and there being a mound between the SUD's area and the offsite drainage. They have investigated whether the surface water pipe could be routed through the site entrance, but ground levels would not facilitate this due to the low point being in the south east corner of the site. Furthermore, due to the size and density of the trees the applicant has advised that it would not be possible to use equipment such as air spades to lay the pipe around tree roots as the integrity of the pipe could not be guaranteed without an easement in place.

12.12 Three areas of replanting are proposed and the Landscape Architect and Biodiversity Officer consider that this is sufficient to mitigate for the loss of trees and is an opportunity to improve the quality of the existing tree groups.

12.13 It is proposed to crown lift 1 no. tree which has been identified with potential for supporting bats. A checking survey will be required prior to any work being carried out to this tree. Bat foraging and commuting routes around the boundaries of the site could also be affected by external lighting. A condition will therefore be required to ensure that light spill is appropriately controlled.

12.14 The Landscape Architect and Biodiversity Officer have recommended a condition stating that trees T44, T45, T46, T48, T49 and T57 should be retained. For the reasons set out above it is necessary to remove these trees to construct the drainage pipe. Having explored alternate drainage solutions and pipe routes the applicant has advised that there are no alternative options available. It is therefore officer opinion that this condition should not be imposed given that there are no alternatives and that the tree loss can be mitigated by additional planting.

12.15 The Landscape Architect and Biodiversity Officer also state that a financial contribution should be made to mitigate the impact of additional visitors on the Northumberland Coast SPA and Ramsar Site.

12.16 These comments are noted and normally a contribution towards the Coastal Mitigation Scheme would normally be required for a housing development of this size. However, outline planning permission was given prior to the Coastal Mitigation SPD being adopted and as such we had no grounds on which to request a coastal mitigation contribution at that time. The purpose of the current reserved matters application is to agree the detailed design and layout rather than to consider the principle of development; therefore, it would be unreasonable to seek a financial contribution through the current application.

12.17 Conditions are recommended including in respect of: tree protection measures, level changes, tree pruning, a construction method statement, detailed landscape scheme, bat and bird boxes, external lighting and to ensure that no protected species are harmed during the construction work.

12.18 Natural England has been consulted. They have advised that they have no objections to the application subject to appropriate mitigation being to mitigate the impact of additional visitors on the Northumberland Coast SPA and Ramsar Site. For the reasons set out above it would not reasonable to request a financial contribution under this reserved matters application.

12.19 Members need to consider whether the proposed landscaping would be acceptable and in accordance with policies DM5.5 and DM5.9 and weight this in their decision. Subject to conditions, it is officer advice that the landscaping is acceptable and accords with national and local planning policies.

13.0 Other Issues

13.1 The Contaminated Land Officer has been consulted. She has advised that conditions should be imposed in respect of contaminated land and gas protection.

13.2 Conditions relating to gas protection were imposed as part of the outline application and it is not necessary to duplicate the conditions.

13.3 Nexus has requested that the applicant meets the costs of providing introductory tickets to future occupiers in order to encourage the use of public transport. Outline planning permission has been given for 83no. dwellings and no contribution towards ticketing was sought at the time. The same number of dwellings are proposed under the current application and it is not therefore considered reasonable to seek a financial contribution.

13.4 Northumbria Police have provided comments and raise concern over several aspects of the layout. Amendments have been made during the course of the application to address these concerns. The scheme originally included 2no. cycle links to the adjacent rights of way. These have been removed in accordance with Northumbria Police's advice. The PROW officer has confirmed that the links are not necessary. In addition, cycle and bins storage would be provided within the rear gardens.

14.0 Conclusion

14.1 The principle of residential development on this site has been firmly established by the previous outline planning permission. This application relates to those details still to be approved. Officer advice is that the layout, scale, appearance and landscaping are acceptable. Members need to decide whether they agree.

14.2 Members are advised that the conditions attached to the outline application remain valid and the applicant is still required to comply with these conditions as the development is progressed. It is therefore not necessary to repeat conditions which are already in place.

14.3 Conditional approval is recommended.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

Application form

Location plan 07403 AD (00) 004

Architectural layout HG/A/GA/001 Rev.J

Basin details 20017 21 P2

Typical boundary enclosures (Elevations) 125150/A/BOUND/04

Landscape masterplan 138040/8001 A

Architectural layout PH-ENG-01 (surface finishes)

Swept path analysis 20017 31 P4
Engineering layout 20017 01 P8
Indicative site sections HG/SS/010
House type 0920 (Dalby R20) Rev.F
House type 1043 (Braunton R20) Rev.F
House type 0811 (Danbury R20) Rev.E
House type 0763 (Epping R20) Rev.C
House type 1095 (Gisburn R20) Rev.B
House type 1276 (Selwood R20) Rev.F
House type 0968 (Sherwood Corner R20) Rev.F
House type 0968 (Sherwood R20) Rev.D
Arboricultural Method Statement inc. Impact Assessment ARB/CP/2346

January 2021

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

2. Prior to occupation of the development details of the maintenance regime for the surface water drainage infrastructure and contact details for the company responsible for this work, must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the proposed development would not increase flood risk in accordance with NPPF.

3. Prior to commencement of the development, a detailed scheme for the disposal of foul and surface water shall be submitted and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: This information is required from the outset to demonstrate that the proposed development would not increase flood risk in accordance with NPPF.

4. Site Investigation	CON004	*
5. Remediation Method Statement	CON005	*
6. Validation Report	CON006	*
7. Unexpected Hotspots	CON007	*

8. There shall be no piling activities outside the hours of 10:00 to 14:00 on Monday to Saturday, with no piling permitted on Sundays or Bank Holidays.

Reason: In the interests of the amenity of neighbouring properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

9. Notwithstanding condition 1, boundary screening, consisting of double boarded fencing, must be fitted to all gardens facing the A19 to mitigate noise levels from the A19 and comply with the World Health guidance levels for outdoor areas.

Reason: In the interests of residential amenity; having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

10. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This must ensure any light spill to the adjacent woodland and scrub habitat around the site boundaries is below 2 lux shall include the following information:

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

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

Reason: In the interest of visual amenity and to ensure that local wildlife populations are protected having regard to policy DM5.19 and DM5.5 of the North Tyneside Local Plan (2017).

11. Prior to the construction of the crib wall detailed plans and details of the means of access and maintenance must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

12. Notwithstanding condition 1, prior to the construction of the development above damp proof course level, a schedule and/or samples of construction and surfacing materials and finishes shall be submitted and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

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

13. Notwithstanding condition 1, the first floor windows to be inserted in the south elevation of the dwelling on plot 1 shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass to a Level 3 or above. The windows(s) shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

14. 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

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

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

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

16. Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), tree protection shall be installed. The tree protection fence must be of a type and height as described in the AMS and TPP. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the tree protective fence.

Reason: This needs to be a pre-commencement condition to ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

17. No changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

18. Within 1 month of development commencing a plan indicating the positions, design, materials and type of any new or altered boundary treatments shall be submitted to and approved by the Local Planning Authority. All works where they impact on retained trees are to be carried out by hand and in accordance with BS 5837:2012 and AMS. All boundary treatments must include hedgehog gaps (13cmx13cm).

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

19. All tree pruning works shall be carried out in full accordance with the details set out in the approved Arboricultural Method Statement and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works. Any additional pruning works must be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

20. The contractors construction method statement required by condition 31 of the outline permission (08/03131/OUT) shall, in addition to the details set out in the original condition, include details regarding the storage of fuels and waste, concrete mixing, use of fires and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are to be shown on a plan and not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

21. An arboricultural consultant shall be appointed to advise on the tree management for the site and to undertake regular supervision visits to monitor and oversee the implementation of the works as set out in the Arboricultural Method Statement. This condition may only be fully discharged on completion of the development subject to satisfactory written and photographic evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

22. Within one month of development commencing, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. All new trees shall be a minimum of 12-14cm girth and planted in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees and shrubs that die, are removed or becomes seriously damaged or defective within five years of planting shall be replaced in the next available planting season with others of similar size and species. The agreed landscaping shall be maintained for a minimum of five years in accordance with a maintenance schedule that must be submitted and approved in writing by the Local Planning Authority for the purposes of discharging this condition.

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

23. Prior to the occupation of any dwelling a post-construction re-assessment of the trees that remain on the site must be carried out and a report of the finding submitted to and agreed in writing by the Local Planning Authority. The assessment shall include the tree species, locations, condition, and any immediate or expected future requirements.

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

24. Prior to development commencing a Construction Environmental Management Plan (CEMP) must be submitted to and agreed in writing by the Local Planning Authority. Thereafter, all construction works will be undertaken in accordance with the approved Plan.

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

25. Prior to development commencing a Bat Checking Survey of T2, as indicated within the AIA, must be undertaken and the results, along with an appropriate Working Method Statement if required, must be submitted to and approved in writing by the Local Planning Authority.

Reason: This needs to be a pre-commencement condition to ensure that local wildlife populations and habitats are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

26. 5no. bat roosting features must be incorporated into the building design. Details of the roost feature 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 thereafter installed in accordance with the approved details.

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

27. 5no. bat roosting features must be located on appropriate trees within or adjacent to the site. Details of the roost feature 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 thereafter they must be installed in accordance with the approved details.

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

28. 10no. bird nest boxes must be incorporated into the building design and located on appropriate trees within or adjacent trees to the site. Details of nest 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 thereafter they must be installed in accordance with the approved details.

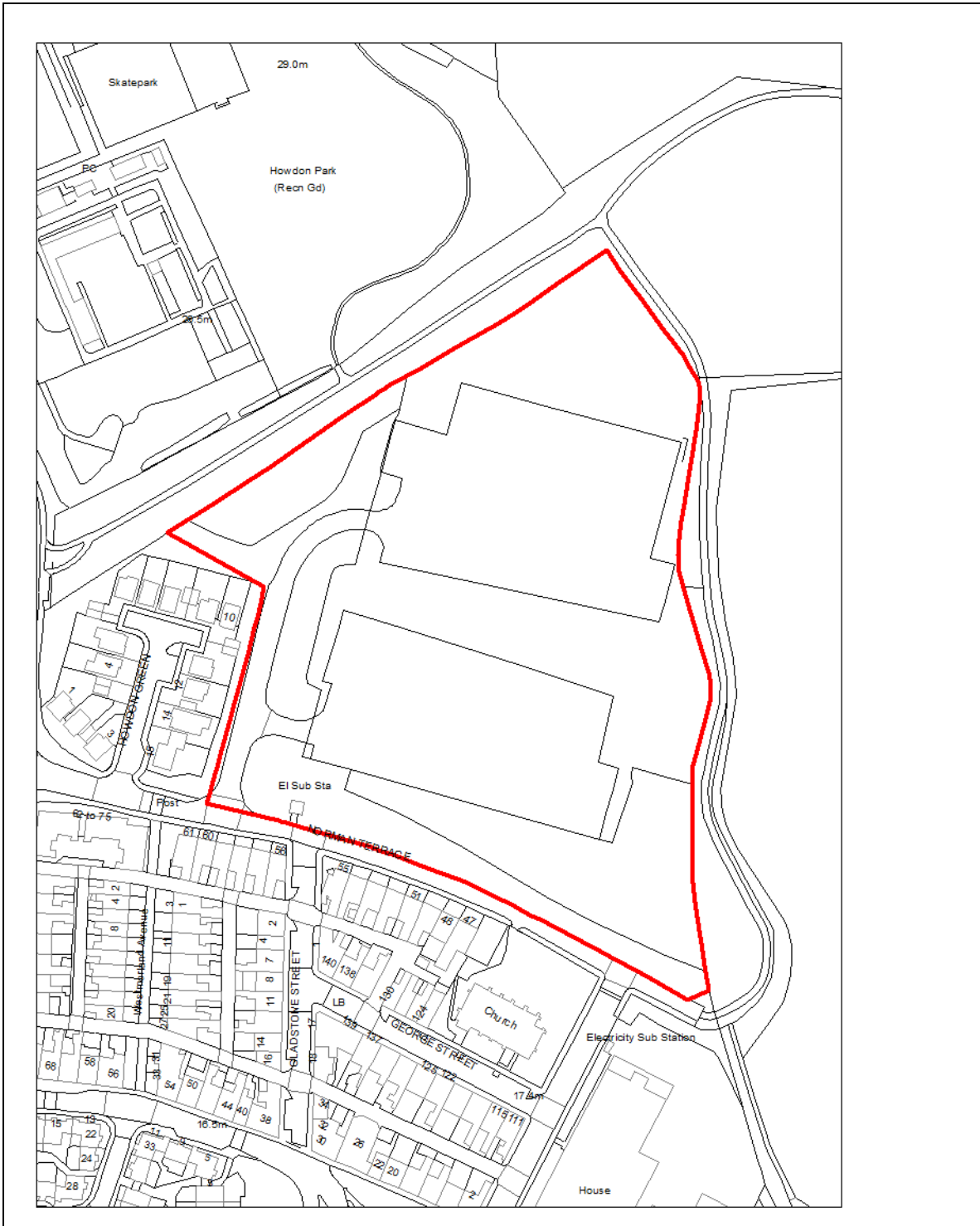
Reason: To ensure that local wildlife populations and habitats are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

29. Prior to commencement of development a badger and red squirrel checking survey must be undertaken and the results submitted to and approved in writing by the Local Planning Authority.

Reason: This needs to be a pre-commencement condition to ensure that local wildlife populations and habitats are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

30. Any excavations left open overnight must 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°.

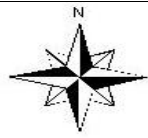
Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.



Application reference: 20/00604/REM
Location: Howdon Green Industrial Estate, Norman Terrace, Wallsend
Proposal: Submission of Reserved Matters pursuant to Outline Planning Approval for residential development for 83 dwellings including details of layout, scale, appearance and landscaping of the site

Not to scale
 Date: 04.03.2021

© Crown Copyright and database right
 2011. Ordnance Survey Licence Number
 0100016801



**Appendix 1 – 20/00604/REM
Item 5**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network manager

1.2 This is a reserved matters application for 83 dwellings including details of layout, scale, appearance and landscaping of the site. Outline permission was granted in 2016 for access only with all other matters reserved (08/03131/OUT).

1.3 A Transport Assessment (TA) and Travel Plan (TP) were included as part of the previous applications that assessed the local highway network and the impact of the development on the local highway network was not deemed severe under the guidance set out in the NPPF.

1.4 The principle of development has already been tested and appropriate conditions and informatives were included on the original application. The proposed layout for this application is acceptable in terms of parking provision, highway layout and pedestrian and cycle accessibility. Approval is recommended with additional conditions for construction management & wheel wash.

1.5 Recommendation - Conditional Approval

1.6 Conditions:

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

1.7 Local Lead Flood Authority

1.8 I can confirm I have no objections to the revised drainage proposals.

1.9 I have carried out a review of planning application 20/00604/REM, I can confirm in principle I have no objections to the proposals. The development will provide surface water attenuation for a 100 yr + 40%(CC) rainfall event which will be stored within the site via the use of the surface water drainage network & a 815Cu.m SuDS storage pond. The surface water discharge rate will be restricted to equivalent greenfield run-off rate of 13.3l/s before discharging into the local sewer network.

1.10 I would recommend the following conditions are placed on the application:

- The developments Surface Water Drainage system to be constructed as per submitted Engineering Layout plan any alterations to this design will need to be approved by LLFA prior to construction.
- Details of the suds maintenance regime to be provided to the LLFA for approval.
- Details of the appointed Suds management company to be provided to LLFA upon completion of development.

1.11 Manager of Environmental Health (Contaminated Land)

1.12 The site lies within 250m of a known landfill. Due to its proposed sensitive end use the following must be applied

Con001

Gas 006

1.13 Manager of Environmental Health (Pollution)

1.14 The air quality assessment and the noise assessment date back to 2008 and in most instances it would be necessary for these reports to have been updated to reflect the most current noise climate. However, it is noted that the industrial estate is no longer in existence and the A19 noise climate will have improved due to road changes for the Tyne tunnel resulting in improved traffic flow.

1.15 The implementation of the mitigation measures specified within the noise assessment report indicates that the noise exposure internally within the proposed housing should meet the requirements of BS8233 with standard double glazing and with the provision of boundary fencing between Norman Terrace and the A19 external levels should comply with the World Health Organisation guidance for outdoor noise exposure. It is noted that the boundary screening to mitigate noise for the A19 will consist of close boarded fencing which is not considered satisfactory as gaps will appear between the fencing panels over time affecting the performance of the fence. The acoustic fencing for the gardens adjacent to the A19 will require overlapped or double boarded fencing to ensure the long-term integrity of the screening.

1.16 Therefore, if planning consent is to be given I would recommend the following conditions:

- HOU04

- Piling activities, if require, shall be carried out between 10:00 and 14:00 hours Monday to Saturday, with no piling permitted on Sundays or Bank Holidays.

- SIT03

- Boundary screening, consisting of double boarded fencing, must be fitted to all gardens adjacent to the A19 to mitigate noise levels from the A19 and comply with the World Health guidance levels for outdoor areas.

1.17 Planning Policy (Design)

1.18 Following my original comments below the concerns have been discussed with the applicant and a number of amended plans have been received. These address some of the issues previously raised, however concerns remain about the arrangement of some units and the impact this has on the design quality of the scheme. Throughout the development there is a mixture of 2 storey and 2.5 storey units. The arrangement of these units has not considered the street scene which will result in their being consistent changes in roof pitches that will be highly visible. Some changes have been made to units 2 and 3, however units 32 – 37 remain unchanged. It was discussed in a meeting on 29th January, about relocating these units to a different part of the site. There are also still concerns about the associated parking with these units which have a line of 12 parking

spaces that will negatively affect the street scene. These concerns are referred to the Case Officer to consider as part of the overall application.

1.19 Original comments:

1.20 The site contains a large number of well-established trees which are concentrated to the edges of the site and act as a visual buffer. Of particular prominence is the group of trees that front Norman Terrace which are an attractive feature of the local area. These trees are retained as part of the layout. The layout also includes some street trees and hedges which will contribute towards the public realm. Corner turner units are used which will further enhance the street scene. There are two pedestrian and cycle links which connect the site to the wider area. Despite these positive aspects of the scheme there are some concerns.

1.21 There is a concern that the architectural design approach for some units is not visually attractive as a result of good architecture. This is a requirement of NPPF and Local Planning Policy. The Epping house type requires larger windows on the front elevation. There is also a query if this house type has 2 or 3 bedrooms. The Dalby house type also requires a review of the size and pattern of windows, particularly on the first floor front elevation.

1.22 Throughout the development there is a mixture of 2 storey and 2.5 storey units. There are concerns about consistent changes in roof pitches and how this will appear in the street scene.

1.23 The Design and Access Statement identifies two character areas for the site. Whilst subtle changes are welcomed within different areas there should be a consistent colour for all window frames. The images in the Design and Access Statement show a mixture of grey and white frames.

1.24 A fencing and wall schedule has been submitted; however indicative drawings are required for each type of boundary treatment.

1.25 No surface materials have been indicated. This can be conditioned but it should be noted that visitor car parking should be enhanced in a suitable adoptable material, such as block paving, to improve the street scene.

1.26 There are several areas where there are large concentrations of parking bays to the front of properties which would have an adverse effect on the street scene. Parking should be supported by soft landscaping. There are currently inaccuracies between the on-plot landscaping on the site layout and landscape plan.

1.27 The site has a substantial level change and cross sections should be submitted to show how the design and layout responds to this.

1.28 Suitable locations for the store of refuse should also be indicated on the layout plan. Storage of waste bins to the rear of properties is preferable. Where waste storage areas are unavoidably located to the front of a property, they should be located in purpose-built accommodation, to ensure that bins do not undermine the visual quality of the development.

1.29 Overall, there are concerns about some aspects of the application and further information and revisions are required in order for the application to be supported.

1.30 Public Rights of Way Officer

1.31 Resulting from our joint 'Teams' meeting with the developer and planning colleagues where we discussed the layout of the proposed site - I can confirm that I concur with the Police recommendations that the proposed links within the site to the surrounding land parcels (north and east) are, on balance, unnecessary and can be discounted.

1.32 Biodiversity Officer and Landscape Architect

1.33 A revised layout plan has been submitted 'Architectural Layout' Revision 'I' which shows the removal of a footpath connection to the north of the site with the wagonway. A revised AIA and AMS has been submitted by Elliot Consultancy (August 2020). In addition, an Ecological Impact Assessment (EclA) and Breeding Bird Survey have also been submitted by OS Ecology.

1.34 Previous comments raised a number of concerns relating to:

- Loss of trees due to the proposed layout and SuDS connection
- Construction within close proximity to trees.
- Location of proposed boundary features within root protection areas.
- Damage to trees within site during demolition and construction.
- Damage to structures from trees.
- Insufficient ecological information

1.35 In addition to this, there were concerns relating to

- Public open space
- Shading
- Level changes
- Lighting

1.36 The applicant has made some revisions to the design layout (HG/A/GA/001 rev J) which are:

- Relocation of the pipe from the suds resulting in the loss of fewer trees
- Omission of the footpath/cycle link to the northern boundary of the site
- Omission of the footpath/cycle link to the eastern boundary of the site

1.37 The revised layout plan design includes relocating the connecting pipe from the Sud's area to a location which extends over a shorter distance. This will require the removal of six trees T44(B), T45(B), T46(B), T48(B), T49(B) & T57(B) to achieve the excavations for the pipe installation and to achieve the easement of 3m required by Northumbrian Water. This number is less than previous but all six trees are category B. The AMS states that this route was chosen following additional survey work to determine the route which would present the least impact to trees, however, the trees at this location are mature and of a reasonable height and their loss will be visually significant. (Four of these trees have been given a subcategory of 2; i.e. providing mainly landscape qualities). To meet the requirements of the Local Plan policy DM5.7, and as previously stated, it would be beneficial to retain these trees and consideration should be

given to alternative methods of installing the connection (trenchless techniques for example) to minimise impact and severing woodland. No information relating to this has been provided and trees should not be removed if alternatives methods are available. Details can be provided on condition.

1.38 The re-orientation of plot numbers 14, 15 and 16 has resulted in Plot number 16 being located within the root protection area (RPA's) and canopy of large Poplar trees. Concerns were previously raised about the proximity of the properties in relation to the existing tree groups with regard to encroachments within the RPA and perceived dominance. To alleviate these concerns, the revised AIA now identifies 6no existing trees (T8, T9, T11, T13, T14 and T18) to be removed.

1.39 The layout also requires trees within the southern and eastern section of Group 1 to be removed to create the new addition of visitor parking and Plot 83. The southern section of Group 2 will need to be removed to create the gardens of Plots 70, 78-81.

1.40 It has been discussed in previous comments that the development should be located at a sufficient distance from the tree group to avoid overhang rather than remove trees, but in this case the trees (Poplars) are already quite large they have the potential to become larger still and further dominate the immediate area. These trees were planted in order to screen what was previously an industrial site but now that the site has been identified for residential use it is felt the selective removal of five of the Poplars and one Alder from the total number of trees to be retained would be acceptable.

1.41 In terms of mitigation, 2 larger areas of replanting have been proposed with a smaller area to the west. This should be an opportunity to improve the quality of the existing tree group with additional planting and is sufficient to balance out the loss, however details will need to be carefully considered.

1.42 The removal of footpaths to the northern and eastern boundaries of the site will retain existing trees and scrub in those locations and protect boundary planting, which is a welcome improvement to the scheme. The Indicative Landscape Plan includes new areas of native tree and scrub planting, hedges and wildflower grassland, which on balance will provide adequate mitigation for the loss of habitats associated with the scheme. A detailed Landscape Plan will need to be conditioned.

1.43 Additional information submitted by the applicant confirms that Tree No.2 (identified within the AIA) has been identified for crown lifting but not removal. This tree was originally identified by the ecological consultant as a potential risk of supporting bats and will require a checking survey to be undertaken (risk assessment) and any additional survey work that is recommended, prior to works being undertaken to the tree. The scheme also has the potential to impact bat foraging and commuting routes around the boundaries of the site, therefore, a lighting plan will need to be conditioned for approval to ensure light spill into adjacent woodland and scrub areas is minimised.

1.44 The scheme will also result in an increase in residential units in North Tyneside that may impact coastal designated sites due to an increase in recreational disturbance. It is, therefore, recommended that an appropriate financial contribution is secured towards the delivery of a Coastal Mitigation Service in accordance with the Councils Coastal Mitigation SPD, to mitigate these recreational impacts. This contribution should be agreed with the LPA prior to the determination of the application.

1.45 Unfortunately, the scheme offers little by way of amenity public open space within the development itself. This puts pressure on the surrounding landscaped areas set aside for biodiversity which should be protected from damage and disturbance from the public. However, on balance the development seeks to retain the main tree groups and ensures the protection of the existing landscape features and provides the required mitigation that meets the Local plan policies. To ensure the scheme is successful in terms of landscape and biodiversity the following conditions are to be applied:

1.46 Conditions:

- Trees T44, T45, T46, T48, T49 and T57 are to be retained. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation
- A revised Arboricultural Method Statement and Tree Protection Plan is to be submitted to include the retention of T44, T45, T46, T48, T49 and T57 and methods for the installation of the pipework to the SuD's area (trenchless techniques for example) in order to retain the trees. Thereafter, the development hereby permitted shall only be carried out in accordance with the revised Arboricultural Method Statement, Tree Protection Plan, BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees')
- Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), tree protection is to be installed. The tree protection fence is to be of a type and height as described in the AMS and TPP. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the tree protective fence.

- No changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority.
- A plan indicating the positions, design, materials and type of any new or altered boundary treatments shall be submitted to and approved by the Local Planning Authority within one month of work starting on site. All works where they impact on retained trees are to be carried out by hand and in accordance with BS 5837:2012 and AMS.
- Any pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted for approval.
- The contractor's construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are to be shown on a plan and not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.
- An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to monitor and oversee the implementation of the works as set out in the revised AMS or to an approved schedule of monitoring. This condition may only be fully discharged on completion of the development subject to satisfactory written and photographic evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.
- Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The tree shall be a minimum of 12-14 cm girth and planted in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Should that tree, within a period of five years after planting, be removed, die or become seriously damaged or defective, it shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of ten years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

- Prior to the occupation of any dwelling, all trees on the site shall be subject of a post-construction re-assessment of the trees that remain on the site, that includes species, locations, condition, and any immediate or expected future requirements, to be undertaken and submitted for approval.

- A Construction Environmental Management Plan (CEMP) will be submitted to the LPA for approval prior to works commencing on site. Thereafter, all construction works will be undertaken in accordance with the approved Plan.

- A detailed lighting plan will be submitted to the LPA for approval prior to works commencing on site to ensure any light spill to adjacent woodland and scrub habitat around the site boundaries is below 2 lux. The lighting details shall include the following information:
 - a statement of frequency of use, and the hours of illumination.
 - a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
 - details of the number, location and height of the proposed lighting columns or other fixtures.
 - the type, number, mounting height and alignment of the luminaires.
 - the beam angles and upward waste light ratio for each light;
 - an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
 - where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.
 The lighting shall be installed and maintained in accordance with the approved scheme.

- A Bat Checking Survey of tree No. 2 (T2) as indicated on the AIA, will be undertaken prior to works commencing on site and the results submitted to the LPA for approval along with an appropriate Working Method Statement, if required.

- 5 no. bat roosting features will be incorporated into the building design proposals. Details of the roost feature specification and locations will 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

- 5 no. bat roosting features will be located on appropriate trees within or adjacent to the site. Details of the roost feature specification and locations will 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

- 10no. bird nest boxes will be incorporated into the building design proposals and located on appropriate trees within or adjacent trees to the site. Details of

nest box specification and locations will 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.
- Prior to commencement of works on site, a badger and red squirrel checking survey will be undertaken and the results submitted to the LPA for approval.
- 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°.
- Provision of hedgehog gaps (13cmx13cm) will be provided within any new fencing associated with the scheme. Details to be submitted to the LPA for approval within 4 weeks of development commencing on site.

2.0 External Consultees

2.1 Tyne and Wear Archaeology Officer

2.2 I have no comments to make.

2.3 Natural England

2.4 Summary of Natural England's Advice

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

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

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

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

2.7 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 in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

2.8 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 or 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.

2.9 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.

2.10 Natural England's advice on other natural environment issues is set out below.

2.11 Sites of Special Scientific Interest Impact Risk Zones

2.12 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 Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a 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 data.gov.uk website

2.13 Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

2.14 Nexus

1. As set out in the information supplied, the site is accessible by Metro about 600 metres away up Howdon Lane. The site therefore meets the requirements of the Nexus Planning Liaison Policy in this respect.
2. As stated in the Travel Plan, the proposed development is also served by bus service 11. This is currently operating every two hours on an emergency timetable and not as stated. Although it is not known if/when former frequencies will be restored, until further notice Nexus will assess planning applications on the basis of pre-pandemic timetables applying in February 2020. On this basis the application is deemed as also accessible by bus.
3. As the development consists of more than 50 residential units, Nexus requests that the applicant meets the costs of two introductory tickets per dwelling to the equivalent of four weeks' travel per ticket, as set out in the Nexus Planning Liaison Policy, to encourage the use of public transport from first occupation. These tickets should be offered to residents as part of the Welcome Pack, with the onus on residents to apply for these through the necessary process. The

tickets required are two Pop Pay As You Go cards per dwelling with J50 of credit preloaded onto each of them.

2.15 Northumbrian Water

2.16 A Pre-Planning Enquiry request was received by Northumbrian Water from the applicant for allowable discharge rates and connection points into the public sewer for the proposed development on 20th February 2019. I note that our response to this enquiry has not been submitted with the planning application. The planning portal shows that a Flood Risk Assessment dating back to 2008 and which formed part of the outline application has been resubmitted with this current application.

2.17 In our Pre-Planning Enquiry response we state that foul flows can discharge without restriction to manhole 6506 and that surface water flows can discharge at 100l/s or less to manhole 7401 if the preference of hierarchy for surface water disposal cannot be met.

2.18 Because the applicant has not submitted an updated drainage scheme with the application, Northumbrian Water requests the following condition:

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

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

2.19 Northumbria Police

2.20 National Planning Practice Guidance Note 7.5 reiterates that designing out crime and designing in community safety should be central to planning and delivery of 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 the likely effect on crime and disorder and do all that they reasonably can to prevent crime and disorder.

2.21 The proposed development in general offers a good layout, with back to back gardens where possible, the majority of properties have 'active frontages' with windows and doors and at least one habitable room facing onto the street and windows in the side elevations.

2.22 There is concern however, as per the site plan and as mentioned in the Design and Access Statement, that the development offer both cycle and pedestrian links to the existing surrounding cycle network on its northern and eastern boundary. Whilst it is accepted that through routes and footpaths should be included in developments, the designer must also ensure that the security of the development is not compromised by excessive permeability, by providing too many unnecessary footpaths. The footpaths in this case are in effect making the

development a 'leaky cul-de-sac' and can create opportunities for crime and escape routes for criminals.

2.23 In Howdon and Willington Quay, the local Neighbourhood Policing Team has numerous issues with anti-social behaviour involving youths and motorcycle disorder. Since 2019, 67 incidents of ASB and anti-social motorcycle disorder have been reported in Howdon Park, Howdon Green and Norman Terrace.

2.24 If the layout was to proceed to include footpaths, concerns are that the ASB in the area will encroach into the development, resulting in more calls to the Police reporting ASB. It is also felt that anyone committing ASB in or around the existing cycle path, will use the footpaths as an escape route from Police, resulting in further ASB, disorder and potential damage occurring. Consideration should be given to reviewing these footpaths with a view to them being removed from the development.

2.25 However, if this is not deemed possible, the footpaths should be at least 3m wide to allow people to pass without infringing on personal space and to accommodate passing wheelchairs, prams and mobility vehicles. The footpath should also be lit in accordance with BS 5489-1:2013.

2.26 There are also concerns around pedestrian/cycle safety, especially around plots 47-52 (more acute in plots 49-50) and vehicle access to driveways. As there is no physical boundary between plots and the footpath this could lead to road traffic collisions between homeowners and those using the footpath. A larger margin of safety would be preferred on this section and clearer definition of private and public space, consideration should be given to installing a fence along the boundary of the footpath, such as black estate railings or knee rail.

2.27 Boundary treatment – rear access to 'triple block' properties:
It is generally recommended that footpaths are not placed to the rear of properties, however if they are essential to give access to the rear gardens consideration should be given to lowering these fences to 1500mm and use a 300mm sacrificial topping such as trellis, this will make anyone using these footpaths more noticeable and should be used for every triple block alleyway giving access to a rear garden.

2.28 Cycle and refuse storage:
This is mentioned in the DAS and listed under the contents as Section 6.7, Cycle and Refuse Storage, however I am struggling to locate this information in the document as Section 6.7 details information on SUDs. Cycle and refuse bins should be stored to the rear of properties and appropriate locking facilities for cycles should be detailed.

2.29 Crib wall:
Due to level changes within the development, there is mention of a crib wall, it is not clear how this will be constructed or how it will appear. Main concerns would be that any retaining structure could be used as a climbing aid into the rear gardens, or the void area between the dwellings becomes a dumping ground for residents to throw rubbish over boundary fences.

2.30 Physical security of dwellings:

Sadly, there is no mention of physical security or security measures within the Design and Access Statement. We always recommend developers consider Secured By Design Accreditation, which is designed to prevent crime and reduce opportunities for crime to occur. In addition to the layout of the development the SBD also specifies what type of windows and doors to be used and covers other security measures.

2.31 Newcastle Airport

2.32 No comments to make.

3.0 Representations

3.1 3no. Objections have been received. These are summarised below.

- Adverse effect on wildlife.
- Impact on landscape.
- Inadequate parking provision.
- Inappropriate design.
- Inappropriate materials.
- Loss of privacy.
- Loss of/damage to trees
- Nuisance – disturbance, dust/dirt, fumes, noise
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Will result in visual intrusion.
- Loss of privacy to properties on Norman Terrace.
- Will impact on the peaceful enjoyment of our home and garden, not to mention the buildings will be visually overbearing.
- It would be more environmentally friendly and less invasive to residents if planning were restricted to the current concrete footprint of the industrial site.
- All the properties currently in Willington Quay have no off-road parking therefore the streets are already congested.
- Overdevelopment leading to increased noise and traffic.
- Increase in dirt/dust and fumes.
- Proximity of houses to trees.
- Loss of trees and pressure for future pruning.
- Loss of trees contradicts the climate change policies North Tyneside have stated in their Climate Emergency Action Plan and the Government's Environmental Bill.
- Design not in keeping.
- Negative impact on George Street due to the current badly designed road system.
- The new residents will use George Street to access A187.
- Potential for increased traffic on Gladstone Terrace, George Street and Cumberland Street.
- George street residents have no front gardens and there is a higher risk of an accident.