

**Application No:** 18/01749/REM Author: Rebecca Andison  
Date valid: 19 December 2018 ☎: 0191 643 6321  
Target decision date: 20 March 2019 Ward: Chirton

Application type: approval of reserved matters

**Location: West Chirton Industrial Estate South, Norham Road, North Shields, Tyne And Wear,**

**Proposal: Application for reserved matters for the appearance, landscaping, layout, and scale in accordance with condition 1 of outline approval 14/01018/OUT for the demolition existing buildings and redevelopment of the site for 399 dwellings(REVISED PLANS)**

Applicant: Miller Homes Limited And Northern Trust Company Limited, C/O Agent

Agent: WYG, Mrs Emma Moon 4th Floor Rotterdam House 116 Quayside Newcastle NE1 3DY

**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 14/1018/OUT are acceptable.

#### 2.0 Description of the Site

2.1 The application site is located within West Chirton South Industrial Estate. It is located on the west side of Norham Road and comprises vacant former industrial land with evidence of demolished buildings and overgrown grassland. Four buildings remain within the site.

2.2 To the north of the site are industrial units with Tesco beyond, and to the south is a factory unit occupied by Tecaz, and a bus depot. Adjacent to the western boundary are the North Tyneside Steam railway and a bridleway. Beyond the railway is the Tyne Tunnel Trading Estate. The area to the east of the site, on the opposite side of Norham Road, is predominantly residential.

### 3.0 Description of the Proposed Development

3.1 In 2017 outline planning permission was granted for the erection of up to 400 dwellings.

3.2 This application seeks approval of the matters reserved under condition 1 of the outline permission. A total of 399 dwellings including 2% affordable housing (8 dwellings) are proposed.

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

- Planning Statement, incorporating Affordable Housing Statement, Statement of Community Involvement and Economic Statement
- Design and Access Statement
- Ecological Assessment
- Flood Risk Assessment Compliance
- Noise Assessment
- Tree Constraints and Arboricultural Impact Assessment
- Viability Assessment
- Energy Statement

3.4 Members are advised that the S106 Agreement attached to planning application 14/01018/OUT requires between 2% and 15% affordable housing, to be agreed when viability is reviewed at reserved matters stage.

### 4.0 Relevant Planning History

14/01018/OUT - Outline planning permission for the demolition existing buildings and redevelopment of the site for up to 400 residential dwellings including access – Permitted 07.08.2017

### 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 14/1018/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 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.

8.2 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%.

8.3 Local Plan 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.

8.4 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.

8.5 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 through the Development Management process and application of the policies of the Local Plan. 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.

8.6 The site is allocated for mixed use development within the Local Plan.

8.7 The principle of building up to 400 residential dwellings on this site was firmly established when outline planning permission was granted in 2017.

#### 9.0 Layout, including access

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 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.

9.8 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.

9.9 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.

9.10 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.

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

9.12 The overall layout of the development is similar to the indicative layout submitted as part of the outline application (14/01018/OUT).

9.13 The Design Officer has been consulted. He has advised that the proposed layout is acceptable.

9.14 The development is designed around a central spine road with access roads connecting to Norham Road. The road layout is broken up by two squares where the spine road meets the smaller side roads. Areas of landscaping are proposed

along the edges of the development to create a barrier between the site and the adjacent industrial areas.

9.15 All units front onto roads and/or open space, and the properties facing Norham Road are set back to mirror the properties opposite. A landscape strip with tree planting is proposed along the Norham Road boundary.

9.16 The units situated along the southern boundary back onto existing industrial units. Hedging is proposed along the rear boundaries of these properties to soften the appearance of the adjacent factory and improve outlook.

9.17 The outline application included a noise assessment to address noise from the surrounding industrial units. Conditions were imposed requiring the provision of an earth mound and acoustic fencing on the north boundary and acoustic screening on the southern boundary. A further condition set out the separation distances that must be achieved between the houses, the adjacent road and industrial units.

9.18 The Manager of Environmental Health has been consulted and provided comments. She recognises that the outline planning application includes a number of planning conditions to ensure that external and internal noise levels accord to BS8233 and the World Health Organisation community noise guidelines. She states that the updated noise report provides recommendations on the level of glazing and passive ventilation to demonstrate that the requirements of these conditions are met. The layout also complies with the outline permission in terms of the set back of the housing from the site boundaries and the provision of acoustic screening. The Manager of Environmental Health advises that a mechanical ventilation scheme is required. These details are required by condition 45 of the outline permission.

9.19 The applicant will be required to comply with all other conditions attached to the outline permission. It is not therefore not necessary to duplicate these conditions.

9.20 The means of access was agreed at the outline stage. The main access is via a signalised junction with Verne Road, and a secondary access would be provided within the southern part of the site. Off-site highway works were secured at outline stage via a Section 78 agreement and a Section 106 Agreement was also secured for a contribution of £348,000 towards improvements to Norham Road/Norham Road North corridor, £30,000 towards Network Cycle Improvement and a Travel Plan Bond for the sum of £90,000.

9.21 The Highway Network Manager has been consulted and recommends conditional approval of the application. The proposed layout provides sufficient car and cycle parking in accordance with current standards, and bin storage areas have been identified for each property. The site has access to public transport, local services and the existing public right of way networks. Conditions relating to adoptable estate roads, access provision, parking provision, refuse and cycle parking were imposed as conditions as part of the outline application. The applicant will be required to comply with the requirements of these conditions. Should Members be minded to approve this application the following

conditions are considered to be reasonable and necessary: site construction method statement and wheel wash.

9.22 An objection has been submitted on behalf the adjacent industrial units to the north on Falmouth Road. These units are currently served by a two access roads which form a one way loop and have use of informal parking areas within the northern part of the application site. The southern access road and parking areas would be lost as a result of this development.

9.23 The concerns raised are noted. However the principle of development, the number of units and the loss of the existing access/parking have been considered and approved under the outline permission. The industrial units could still be accessed via Falmouth Road and there are allocated parking spaces at the front of the units.

9.24 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.

9.25 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.

9.26 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).

9.27 A Flood Risk Assessment (FRA) was submitted as part of the outline application. The applicant has submitted a statement to confirm that the development will comply with the original FRA and the agreed surface water discharge rates. A SuDs basin is proposed within the southern part of the site.

9.28 The Council's Local Lead Flood Authority (LLFA) has been consulted. He advises that the surface water drainage proposals are acceptable. He recommends conditions requiring a detailed scheme for the disposal of surface water, details of a SuDs management company and pollution control measures. The outline planning permission includes a surface water drainage condition therefore it is not necessary for this condition to be repeated.

9.29 Northumbrian Water has been consulted. They have raised no objections to the development.

9.30 Members need to consider whether the layout of the proposed development is acceptable and whether it would accords 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 dormer windows and rooflights. The height of the development is in keeping with the existing housing to the east and considered to be acceptable.

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 accords with the NPPF, policy DM6.1 and the 'Design Quality' SPD and weight this in their decision. This is a residential application and the proposal is residential in terms of scale. Subject to conditions, 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 comprises a mix of complementary house types. The units are traditional in form and incorporate features such as porches, dormers and alternate facing gables. The elevations would be a mixture of buff, red and multi-red brick, and the roofs will be finished in grey, brown and terracotta tiles.



11.3 Boundary treatments include 1.2m high railings and 0.5m high knee rail fencing along Norham Road, hedging around the front gardens and 1.8m fencing around the rear gardens.

11.4 Conditions relating to building and surfacing materials, and means of enclosure were imposed as part of the outline permission. The applicant will need to comply with these conditions.

11.5 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

12.1 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment.

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

- a. Protect and manage existing woodland, trees, hedgerows and landscape features.
  - b. Secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.
  - c. Promote and encourage new woodland, tree and hedgerow planting schemes.
  - d. In all cases preference should be towards native species of local provenance.
- Planting schemes included with new development must be accompanied by an appropriate Management Plan agreed with the local planning authority.

12.3 Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' states that all development proposals should:

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

12.4 Policy DM5.7 'Wildlife Corridors' states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take

account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

12.5 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 ecological surveys and an Ecological Mitigation Plan. The surveys showed that the site was valuable as a brownfield habitat, supporting S41 UK Priority butterfly species including dingy skipper, grayling and wall butterfly, with good quality brownfield habitat of high ecological value and locally rare plants.

12.6 An updated ecological assessment has been submitted with this application, including a breeding bird survey, bat survey, butterfly survey, butterfly mitigation strategy and landscape plan. The surveys confirm that dingy skipper butterfly are still present, albeit in small numbers, and 12 bird species were recorded breeding within the site. The bat activity survey did not record any bats emerging from the buildings and low levels of bat foraging activity were recorded on site.

12.7 The proposed landscape plan includes a planting buffer adjacent to the western boundary, predominantly supporting habitat for brownfield butterfly species with some scrub planting for breeding birds. Further grassland and hedgerow planting is proposed along the northern boundary.

12.8 An area of public open space would be provided within the south west corner with sustainable urban drainage comprising a small permanently wet area and dry catchment basin. A strip of amenity grassland with tree planting is proposed along the eastern boundary with Norham Road.

12.9 The Biodiversity Officer and Landscape Architect have been consulted and provided comments. They state that the landscape mitigation proposed is broadly acceptable but not sufficiently detailed, particularly in terms of the amount of habitat being retained and created. Conditions are therefore recommended requiring that a fully detailed planting scheme and a 10 year landscape management plan are submitted.

12.10 Another condition is required in respect of the Butterfly Mitigation Plan. The Biodiversity Officer has stated that the plan submitted is unclear and contains insufficient information. A condition is therefore recommended requiring that a detailed Butterfly Mitigation Strategy must be submitted, and an ecological consultant appointed to oversee the habitat creation.

12.11 Conditions are also recommended in respect of: bat and bird boxes, external lighting and to ensure that no bats, reptiles or badgers are harmed during the construction work.

12.12 Natural England has been consulted. They have advised that they have no objections to the application.

12.13 Members need to consider whether the proposed landscaping would be acceptable and in accordance with policies DM5.7 and DM5.9 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.

### 13.0 Other Issues

13.1 The Contaminated Land Officer has been consulted. She has advised that the comments made in respect of the outline application still apply.

13.2 Conditions relating to contaminated land, gas protection and Japanese knotweed were imposed as part of the outline application; the applicant will be required to comply with the requirements of these conditions. It is therefore not necessary to duplicate the conditions.

13.3 Highways England has been consulted. They have raised no objections to this reserved matters application.

13.4 The Tyne and Wear Archaeology Officer has been consulted. She has advised that conditions should be imposed requiring that a programme of archaeological trial trenching is carried out prior to any ground works commencing. These conditions were included as part of the outline permission and do not therefore need to be repeated.

13.5 The S106 Agreement attached to planning application 14/01018/OUT requires between 2% and 15% affordable housing, to be agreed when viability is reviewed at reserved matters stage. A viability assessment has been submitted as part of this application. It is proposed to provide 2% affordable housing (8 dwellings).

13.6 The Viability Assessment has been externally audited to ensure it is robust. The review of the appraisal agrees with the applicant's Viability Assessment and concludes that 8no dwelling is the maximum level of affordable housing that could be provided without adversely impacting on the viability of the development.

#### 14.0 Conclusion

14.1 The principle of residential development on this site has been firmly established by the previous planning application. The 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 consider that these reserved matters are acceptable.

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 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 QD1459-300-01

Engineering layout sheet 1 QD1459-00-01 Rev.D

Engineering layout sheet 2 QD1459-00-01 Rev.D

External levels sheet 1 of 4 QD1459-00-05 Rev.D

External levels sheet 2 of 4 QD1459-00-06 Rev.D

External levels sheet 3 of 4 QD1459-00-07 Rev.D

External levels sheet 4 of 4 QD1459-00-08 Rev.D

Boundary treatment layout sheet 1 of 2 QD1459-332-01 Rev.E

Boundary treatment layout sheet 2 of 2 QD1459-332-02 Rev.D

Surface finishes sheet 1 of 3 QD1459 07-01 Rev.D

Surface finishes sheet 2 of 3 QD1459 07-02 Rev.D

Surface finishes sheet 3 of 3 QD1459 07-03 Rev.D

Vehicle tracking layout sheet 1 of 4 QD1459-40-01 Rev.D

Vehicle tracking layout sheet 2 of 4 QD1459-40-02 Rev.D

Vehicle tracking layout sheet 3 of 4 QD1459-40-03 Rev.D

Vehicle tracking layout sheet 4 of 4 QD1459-40-04 Rev.D

Planting plan sheet 1 of 2 NT14007/001 Rev.G

Planting plan sheet 2 of 2 NT14007/001 Rev.G

Planning layout overall site QD1459-311-04 Rev.I

Boundary treatment details QD1459-333-01

Longsections sheet 1 QD1459-00-02 Rev.A

Longsections sheet 2 QD1459-00-04 Rev.A

Proposed house type portfolio December 2018

473-4B/8P/1388 - MITFORD 18

344-3B/4P/850 - WAINGROVES 18

Signalised junction general arrangement QD1459-00-20

Priority junction general arrangement QD1459-00-21

Butterfly Mitigation Plan - 2019 Update Document

Ecological Assessment

Pre-development Tree Constraints and Arboricultural Impact Assessment

Noise Assessment April 2019

Flood Risk Assessment Compliance

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

2. 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. There shall be no cabins, storage of plant and materials or parking within the root protection areas of any retained trees as defined by the Tree Protection Plan. 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.

3. Wheel Wash

SIT008 \*

4. Prior to commencement of development details of pollution control measures to be put in place in order to prevent contaminated surface water run-off leaving the site during construction phase must be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.

Reason: This information is required from the outset to provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

5. Prior to occupation of the development details of an appointed SuDS management company must be submitted to and approved in writing by the Local Planning Authority.

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

6. Notwithstanding condition 1 prior to the commencement of development or any demolition works, earth/soil moving, or other enabling works, a fully detailed Butterfly Mitigation Strategy for the creation of new dingy skipper habitat within the western part of the application site must be submitted to and approved in writing by the Local Planning Authority. The scheme must include details of the receptor site preparation, translocation of turf habitat and habitat creation as well as detailed management and monitoring measures over a minimum 10 year period. The approved mitigation site must be completed in accordance with the approved details prior to the commencement of construction works and the removal of existing dingy skipper habitat on site.

Reason: This is required prior to development commencing in order 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.

7. An ecological consultant must be appointed to advise on dingy skipper habitat mitigation and protection for the site, undertake regular supervision visits to oversee the habitat creation, protection of the butterfly mitigation areas and to visit as required to oversee any unexpected works that could affect these areas. The supervision is to be undertaken in accordance with the agreed Butterfly Mitigation Strategy. Written evidence of regular monitoring and compliance by the pre-appointed ecologist during construction must be submitted and approved in writing by the Local Planning Authority prior to occupation of the development.

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).

8. Notwithstanding condition 1, within one month the commencement of development or operations such as site excavation works, site clearance (including site strip), a fully detailed landscape plan must be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall clearly set out details of existing and proposed habitats such as species rich grassland, butterfly habitat and scrub planting. The scheme shall also include details and proposed timing of all new tree, shrub, hedgerow and grassland planting and ground preparation noting the species and sizes for all new plant species. All hard and soft landscape works shall be carried out 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 each phase of the development or in accordance with a timetable to be agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

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

9. A 10 year 'landscape management plan', including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Thereafter the scheme must be implemented in accordance with the agreed details.

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

10. Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning

Authority. Lighting must be designed to minimise light spill and any adverse impacts on adjacent woodland, scrub, grassland and hedgerow habitats within or adjacent to the site. This 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, highway safety and to ensure that local wildlife populations are protected having regard to policies DM5.19 and DM5.5 of the North Tyneside Local Plan (2017) and the NPPF.

11. 15no. bat boxes/bricks/slates must be incorporated within buildings on the development site in suitable locations. Details of the bat feature specifications and locations must be submitted to and approved in writing by the Local Planning Authority prior to their installation. Once approved they shall be installed in accordance with the approved details.

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.

12. 15no. bird boxes (various designs) must be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter they shall be installed in accordance with the approved details.

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.

13. A detailed Bat Method Statement must be submitted to and approved in writing by the Local Planning Authority prior to the demolition of any buildings on site. Demolition works must thereafter be carried out in accordance with the approved statement.

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.

14. For each phase of the development a detailed Reptile Method Statement must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development or any site clearance works. All works must thereafter be carried out in accordance with the approved statement.

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.

15. For each phase of the development a badger checking survey shall be undertaken prior to the commencement of development or any site clearance works in accordance details to be submitted to and approved in writing by the Local Planning Authority.

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.

16. For each phase of the development prior to the commencement of any site clearance works or of the development an Arboricultural Method Statement and revised Tree Protection Plan to include a methodology for the protection of the dingy skipper habitat areas must be submitted to and agreed in writing by the Local Planning Authority. The details shall include the type, height and position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site to be retained and Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree group /hedgerow 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.

Reason: To ensure trees and hedges to be retained are adequately protected from damage from the outset 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 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 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 interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

18. All works within the root protection areas of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

Reason: To ensure trees and hedges to be retained are adequately



protected, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan 2017.

19. Prior to any tree pruning of retained trees being carried out, details of the pruning work must be submitted to and approved in writing by the Local Planning Authority. All tree 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.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

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

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

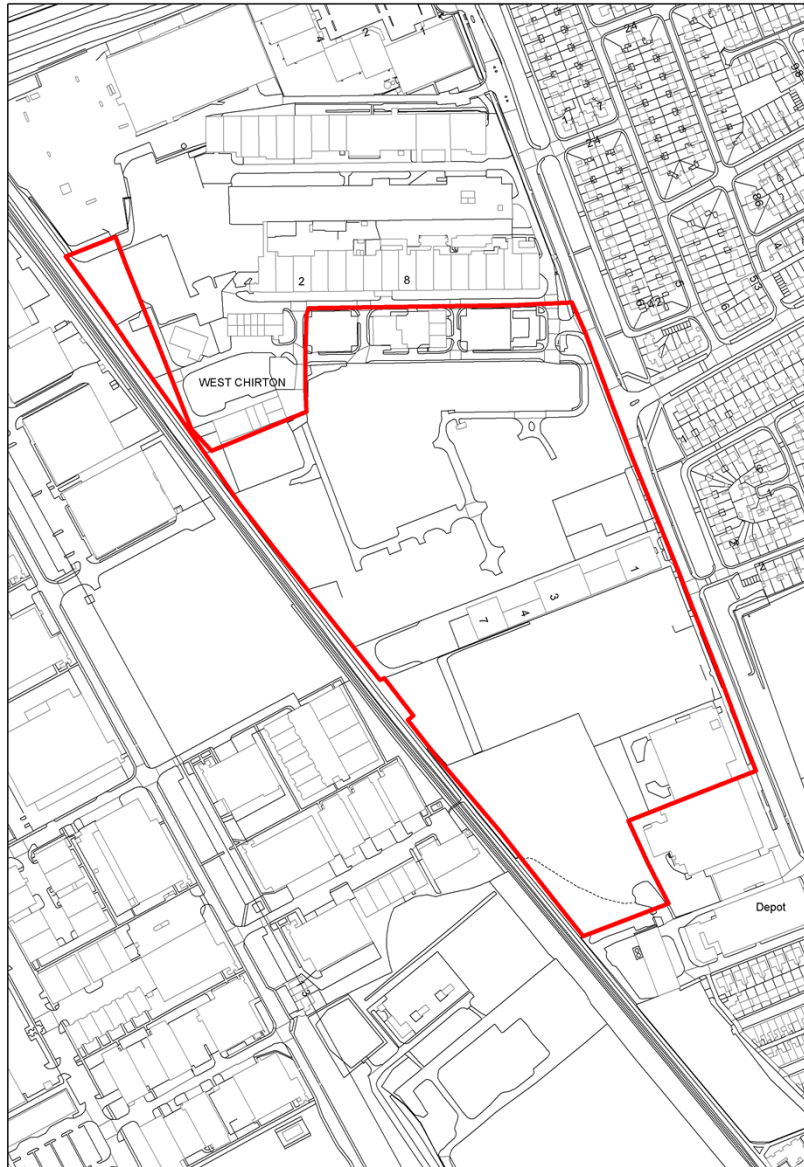
**Informatives**

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

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



**Application reference: 18/01749/REM**

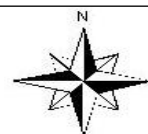
**Location: West Chirton Industrial Estate South, Norham Road, North Shields, Tyne And Wear**

**Proposal: Application for reserved matters for the appearance, landscaping, layout, and scale in accordance with condition 1 of outline approval 14/01018/OUT for the demolition existing buildings and redevelopment of the site for 399 dwellings(REVISED PLANS)**

Not to scale

Date: 27.06.2019

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**Appendix 1 – 18/01749/REM  
Item 5.4**

**Consultations/representations**

1.0 Internal Consultees

2.0 Manager of Environmental Health (Pollution)

2.1 The outline planning application attached a number of planning conditions to address the provision of noise mitigation measures to ensure external and internal noise levels are achieved in accordance to BS8233 and the World Health Organisation community noise guidelines. I have viewed the updated noise report for the assessment of the site that has reassessed noise from industrial sources and provides recommendations on the level of glazing and passive ventilation to meet the requirements of planning conditions 41, 42, 43, 44 and 45 for the outline approval of 14/01018/OUT.

2.2 I would confirm that the proposed site layout design has met the requirements of condition 44 for the specified minimum distances for the housing to be set back within the site. The site layout plan and noise report has specified the requirements of the acoustic screening for the northern boundary and I would confirm that the 3m high engineered earth bund and 1.8 m high double boarded fencing is being provided to the northern boundary in accordance to condition 41. Acoustic screening to the remaining boundaries has been shown to be satisfactory to reduce the external noise levels to achieve a level of 50 dB LAeq in external gardens in accordance to condition 43. The noise report provides details on the glazing specification required to achieve the internal noise levels as specified for meeting the requirements of planning condition 45, however this condition specifies the need for mechanical ventilation for properties facing the northern, southern and eastern boundaries and I would need the detailed noise scheme to provide for this requirement for any discharge application for condition 45.

3.0 Manager of Environmental Health (Contaminated land)

3.1 Comments from 14/01018/OUT still apply.

4.0 Design Officer

4.1 The plans are acceptable and all issues have now been addressed.

5.0 Highway Network Manager

5.1 This is a reserved matters application for the appearance, landscaping, layout and scale in accordance with condition 1 of outline approval 14/01018/OUT for the demolition existing buildings and redevelopment of the site for 399 dwellings.

5.2 Access was agreed at the outline stage and all other matters were reserved. The main access will be via a signalised junction with Verne Road and a secondary access will be provided to the south of the site. The following off-site highway works were secured at the outline stage:

- New arm & upgrade to signals at junction of Norham Road/Verne Road, with potential requirement to link to Norham Road/Tesco Access junction
- New access on Norham Road
- Localised widening

- Alterations to existing industrial estate access on Norham Road
- Provision of shared use links to existing PROW network, including to National Cycle Network Route 10 on western boundary of site
- Upgrade of footpaths abutting site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

A Section 106 Agreement was also secured for the following works:

- £348,000 contribution for improvements to Norham Road/Norham Road North corridor;
- £30,000 contribution to Network Cycle Improvements
- A Travel Plan Bond for the sum of £90,000.

5.4 The principle of development has already been granted outline permission and the proposed highway layout is considered to be acceptable with suitable bus permeability should an operator wish to serve the inner parts of the site and the potential metro station at High Flatworth should it be delivered. Parking has been provided in accordance with current standards and cycle parking is provided for each dwelling. Approval is recommended with additional conditions to cover the construction phase.

#### 5.5 Recommendation - Conditional Approval

#### 5.6 Conditions:

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

#### 6.0 Local Lead Flood Officer

6.1 The developments surface water drainage design will incorporate the following:

- Surface water run-off within the site will be attenuated prior to discharge to the public sewerage system providing a 50% reduction in flow rate.
- The proposed discharge rate from the site will be restricted to 360 litres per second.
- Attenuation storage will be provided within the site boundary to retain surface water run-off for up to the 1 in 100 year storm event plus an allowance of 30% climate change. (In addition, the development shall ensure all exceedance is contained on site).
- The proposed development finished floor levels should be set a minimum of 150mm above proposed ground levels.
- The finished site levels should be engineered to provide positive drainage and prevent ponding.
- Gradients of external areas, where possible, should be designed to fall away from buildings, such that any overland flow resulting from extreme events would be channelled away from entrances.
- Surface water attenuation within the site will be achieved using a SuDS basin and the developments surface water drainage system.

As a result I can confirm that the developments surface water drainage proposals are acceptable.

6.2 However, I would recommend the following drainage conditions are placed on the application:

- Development shall not commence until a detailed scheme for the disposal of 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.

- Development shall not commence until details of appointed SuDS management company are to submitted to and approved in writing by the Local Planning Authority.

- Development shall not commence until details of pollution control measures to be put in place in order to prevent risk of contaminated surface water run-off leaving the site during construction phase.

### 7.0 Landscape Architect and Biodiversity Officer

7.1 This application follows outline planning approval granted in August 2017 (14/01018/OUT) for the demolition of existing buildings and re-development of the site for up to 400 residential dwellings.

7.2 The site is currently comprised of undeveloped brownfield land with derelict buildings, hard standing areas and biodiversity habitat including semi-improved grassland, scrub and broadleaved plantation. The majority of the site is within a designated wildlife corridor which runs east-west across the site and there is a waggonway adjacent to the western boundary which is also within a wildlife corridor that runs north-south.

### *7.3 2013 Ecological Surveys*

7.4 Previous ecological assessments undertaken in 2013 as part of the outline application showed that this site was valuable as a brownfield habitat, supporting semi-improved grassland and scrub habitat with hard standing areas, as well as a number of derelict buildings.

7.5 Habitats on site supported S41 UK Priority butterfly species including dingy skipper, grayling and wall butterfly. The Butterfly Survey Report also stated that the mosaic of habitats over the whole site included good quality brownfield habitat of high ecological value and supporting locally rare plants such as yellow-wort and bee orchid, as well as large areas of birds-foot trefoil, the primary foodplant for dingy skipper butterfly.

7.6 Bat surveys undertaken in 2013 revealed that the site was being used by low numbers of common pipistrelle bats for foraging and commuting. The main foraging and commuting areas identified were along the western boundary and over semi-improved grassland areas in the north and south of the site. No evidence of roosting bats was recorded within the site.

7.7 The Bat Report recommended the retention of suitable foraging and commuting habitat along the western boundary adjacent to the waggon-way and

east to west across the centre and south of the site. It also recommended a sensitive lighting scheme to minimise light spillage and preserve dark corridors suitable for bats as well as the provision of bat boxes and bricks within the buildings as part of the proposed development.

7.8 Breeding bird surveys undertaken in 2013 considered the site to be of low value for breeding birds with common birds recorded in small numbers, the most notable of these being herring gull and house sparrow.

7.9 Reptile surveys were also undertaken in 2013, however, no evidence of reptiles was discovered during the surveys and they were, therefore, considered likely to be absent from the site and not regarded as a constraint to development.

#### *7.10 2019 Ecological Surveys*

7.11 As part of the current reserved matters application, updated ecological surveys were required to assess the application as previous surveys were out of date. Additional information has been submitted including an updated Ecological Assessment (including breeding bird survey, bat survey and butterfly survey), Butterfly Mitigation Strategy and Landscape Plan.

7.12 The Phase 1 Habitat Map for the site shows that the site consists predominantly of large areas of poor semi-improved grassland, bare ground, buildings, tall ruderal habitat and scrub. There are two large areas of scrub habitat to the south-east of the site and to the north-west. In addition, there is also an area of broadleaved plantation to the north-west of the site adjacent to the wagonway. Most of the valuable habitat within the site (semi-improved grassland, scrub and a proportion of the woodland) will be lost to facilitate the scheme.

7.13 Breeding bird assessment undertaken in 2019 recorded 12 species breeding within the site with a total of 24 territories. Of these, herring gull and house sparrow were the most notable. The proposed development will provide mitigation for these species by way of hedgerow, tree and scrub planting. Four nesting locations for herring gull will be lost within the site (buildings), however, the report considers that there are suitable alternative nesting locations for this species in the local area.

7.14 Results of the 2019 butterfly survey confirmed that dingy skipper is still present within the site, although the population remains small. A Butterfly Mitigation Strategy has been submitted to address the mitigation requirements for dingy skipper, grayling and wall butterfly.

7.15 A bat inspection of buildings and a single dusk survey was carried out in 2019. The buildings remaining on site were assessed as either negligible or low risk of supporting bats. The bat activity survey did not record any bats emerging from any of the low risk buildings and low levels of bat foraging activity were recorded on site (common pipistrelle).

7.16 No evidence of badger activity was present within the site and it was considered unlikely that badger would use the site as a result of heavy dog walking activity and illegal motorcycle use. Reptiles were also considered absent

from the site as they were not recorded during the previous survey in 2013 and habitats for this species had decreased in value as a result of a reduction in open habitats and an increase in scrub.

#### *7.17 Mitigation:*

7.18 The outline application (14/01018/OUT) that was approved for this scheme attached conditions for a detailed Landscape Plan and a Butterfly Mitigation Strategy to be agreed to ensure that adequate mitigation would be in place to address habitat loss within the site and impacts on S41 butterfly species.

#### *7.19 Landscape Scheme:*

7.20 A landscape plan has been submitted for the reserved matters scheme (DWG: NT14007/001 Planting Plan Sheet 1 & 2). These plans show the creation of a western planting buffer adjacent to the waggonway predominantly supporting habitat for brownfield butterflies with some scrub planting and hedgerow for breeding birds. Additional habitat is created along the northern boundary with hedgerows and grassland connecting this habitat to the western boundary. The western boundary is to be protected as a wildlife habitat with the provision of a hedgerow barrier along its length adjacent to the internal road.

7.21 Whilst these plans broadly set out what has been agreed as acceptable landscape mitigation, these plans are not sufficiently detailed and I also have concerns regarding 'retained and proposed' habitat being indicated as one habitat on the plans and key, which makes it impossible to determine how much of this 'landscape mitigation' is existing and how much is proposed as new habitat. The key shows the habitats on the plan as the following :-

- Retained and proposed species rich grassland;
- Retained and proposed butterfly habitat.

7.22 At the reserved matters stage, this level of detail should have been provided in order for the Local Planning Authority to be able to determine whether the mitigation provided is adequate and sufficient, particularly with regard to the butterfly mitigation.

7.23 As a result of the above, a sufficiently detailed landscape condition will need to be attached to the current application.

#### *7.24 Butterfly Mitigation Plan*

7.25 An updated Butterfly Mitigation Plan was requested by the Local Planning Authority to take into account updated site and landscape plans that had changed from the previous outline application as well as the updated ecological surveys that had been undertaken.

7.26 The information submitted is an addendum document which provides 'amendments' to the original Butterfly Mitigation Strategy, but requires constant cross-referencing with the original document, which is time consuming and confusing. This document also contains no updated landscape or butterfly mitigation plans for reference. The original Butterfly Mitigation Strategy will, therefore, need to be updated to provide one cohesive strategy with appropriate amendments and updated landscape plans/butterfly areas included.

7.27 A condition will need to be attached to this application for an updated 'Butterfly Mitigation Strategy' to be provided for approval.

7.28 No objection to this scheme subject to the following conditions being attached to the application:-

#### 7.29 Conditions

1) Prior to the commencement of development or any demolition works, earth/soil moving, or other enabling works, a fully detailed Butterfly Mitigation Strategy for the creation of new dingy skipper habitat to the west of the application site must be submitted to and approved in writing by the Local Planning Authority. The scheme must include details of the receptor site preparation, translocation of turf habitat and habitat creation as well as detailed management and monitoring measures over a minimum 10 year period. The approved mitigation site must be completed in accordance with the approved details prior to the commencement of construction works and the removal of existing dingy skipper habitat on site.

Reason: This is required prior to development commencing in order 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.

2) An ecological consultant shall be appointed by the developer to advise on dingy skipper habitat mitigation and protection for the site and to undertake regular supervision visits to oversee the habitat creation, protection of the butterfly mitigation areas and visit as required to oversee any unexpected works that could affect these areas. The supervision is to be undertaken in accordance with the agreed Butterfly Mitigation Strategy. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed ecologist during construction.

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

3) Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall clearly set out details of existing and proposed habitats such as species rich grassland, butterfly habitat and scrub planting. The scheme shall also include details and proposed timing of all new tree, shrub, hedgerow and grassland planting and ground preparation noting the species and sizes for all new plant species. All hard and soft landscape works shall be carried out 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. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.



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

4) A 10 year 'landscape management plan', including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. Thereafter the scheme must be implemented in accordance with the agreed details.

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

5) Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning

Authority. Lighting must be designed to minimise light spill and any adverse impacts on adjacent woodland, scrub, grassland and hedgerow habitats within or adjacent to the site. This 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, highway safety and to ensure that local wildlife populations are protected having regard to policies DM5.19 and DM5.5 of the North Tyneside Local Plan (2017) and the NPPF.

6) 15no. bat boxes/bricks/slates must be incorporated within buildings on the development site in suitable locations. Details of bat feature specification and locations must be submitted to and approved in writing by the Local Planning Authority prior to their installation.

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.

7) 15no. bird boxes (various designs) must be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority prior to their installation.

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.

8) 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: 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.

9) A detailed Bat Method Statement shall be submitted to the Local Planning Authority for approval prior to the demolition of any buildings on site. Demolition works will be carried out in accordance with the approved plan

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.

10) A detailed Reptile Method Statement shall be submitted to the Local Planning Authority for approval prior to works commencing on site. All works on site will be carried out in accordance with the approved plan

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.

11) A badger checking survey shall be undertaken prior to works commencing on site and details submitted to the Local Planning Authority for approval.

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.

12) The contractors construction method statement relating to traffic management/site compounds/contractor access must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained and protection of the dingy skipper habitat areas. Cabins, storage of plant and materials, parking are 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.

13) 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.

14) Prior to the commencement of any site clearance works there shall be submitted to the Local Planning Authority for their approval an Arboricultural Method Statement and revised Tree Protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree group /hedgerow 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.

15) All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'

16) All tree felling and 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.

#### 8.0 Environmental Sustainability Officer

8.1 I have reviewed the WSP Energy Strategy for the property development No: 18/01749/REM.

8.2 The report and its recommendation are as I would have expected in the context of our Local Plan regarding the adoption of low carbon energy solutions.

8.3 There is a tokenistic solar PV provision which falls short of the development site potential i.e. looking into the district heating options which the report highlights. Given the close proximity of the development to a mixture of high energy intensive businesses (and waste heat) this option may have been viable.

8.4 Other than this aspect, I have no further comment.

## 9.0 Representations

### 9.1 3no objections have been received from business on Falmouth Road

- Inadequate parking provision.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Inadequate drainage.
- Poor traffic/pedestrian safety.
- Loss of parking for staff and customers of the adjacent industrial units on Falmouth Road.
- The housing estate should start from the other side of the fence leaving the industrial estate, two car parks and the roads as they are.

### 9.2 Fairhurst has submitted an objection on behalf of the owner of the industrial units on Falmouth Road.

- Loss of Exmouth Road, which serves industrial units to the north.
- Impact on access to the industrial units – a swept path analysis has been provided.
- Heavy goods vehicles up to 16.4m in length require access to the units.
- Without Exmouth Road the current one way system could no longer operate.
- Would result in an unsafe access with insufficient room for articulated vehicles.
- The businesses require sufficient parking to accommodate their staff, and customers.
- There is limited parking in front of the units. The level does not meet the Council's parking standards.
- The application would remove the two parcels of land currently used for parking.
- The parcels of land can accommodate up to 100 car parking spaces.
- The Transport Assessment submitted with the outline application states that replacement parking will be provided along the southern side of Falmouth Road. No details have been provided.
- Detrimental to the safety and economic success of the industrial estate.
- Fails to comply with Local Plan Policy AS2.6 as it would not protect and enhance the infrastructure serving West Chirton Industrial Estate.
- Fails to comply with Policy DM2.3 as it would impact on existing employment land.

### 9.3 A response to the above objection has been provided on behalf of Northern Trust, owners of the industrial estate.

- The entrance to the industrial estate will remain unchanged.
- Block 5 has hard standing to the front and rear, which provides sufficient parking. The parking and access would be similar to that which currently exists on Plymouth Road.
- Occupiers of Block 5 tend to consist of lighter trades – we would question how many HGV's access the units.
- The two car parks on the south side of Falmouth Road are not allocated for Block 5. One is the former car park of a demolished unit and the other a communal car park. Their removal and the construction of 32 new parking bays on the south side of the road should not result in the loss of any parking provision.
- The communal car park is not well used.
- The residential development and refurbishment of existing industrial properties will result in a positive economic impact

9.4 1no representation has been received from a resident of Brandling Court, North Shields

2.5 The resident states that they support the development, but have concerns regarding traffic congestion. They state that provision should be made to include a roundabout at the end of Verne Road which connects to Norham Road.

## 10.0 External Consultees

### 10.1 Coal Authority

10.2 The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

10.3 In relation to the proposed layout, The Coal Authority records indicate the presence of four recorded mine entries (shafts) within the planning boundary. However, on the basis that it previously remained unclear as to whether the proposed buildings would avoid these coal mining hazards, The Coal Authority objected to this planning application.

10.4 The Coal Authority is therefore pleased to note the amended layout drawings which illustrate all of the buildings avoiding the mine entries and their respective zones of influence. Consequently, The Coal Authority is now in a position to withdraw its objection to the proposed layout and the treatment of the mine entries as well as potential shallow coal mine workings can be ensured as part of a subsequent discharge of condition application (i.e. Condition 50 of the outline permission).

### 11.0 Highways Agency

11.1 I confirm that having considered the supporting documentation Highways England would not wish to offer any objection to the proposals.

### 12.0 Natural England

12.1 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

### 13.0 Northumbrian Water

13.1 We have no additional comments to make.

### 14.0 County Archaeologist

14.1 In accordance with my comments of 6 August 2014 (14/01018/OUT), a programme of archaeological trial trenching is required because the site is of potential industrial archaeological interest.

14.2 Maps of 1769 and 1784 show a series of coal pits (Low Trench Field Pit, Stubble Pit, Rye Hill Pit) and the Balkwell Farm Waggonway. A mine abandonment plan of 1801 shows Stubble Pit and Tuesday Pit. The pillars of Tuesday Pit are shown as removed.

14.3 The archaeological desk-based assessment states that the potential for surviving archaeological deposits from the post-medieval period within the site is high.

14.4 In my comments of 2014, I recommended that the archaeological work could be conditioned on the outline permission, but it must be done before a reserved matters application is submitted and it certainly has to be done before any ground works start on site.

14.5 It is therefore disappointing that a reserved matters application has been submitted, but the archaeological work has not yet been done.

14.6 If the work genuinely cannot be done before the reserved matters application is determined, please impose the following conditions:

#### Archaeological Excavation and Recording Condition

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

#### Archaeological Post Excavation Report Condition

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition ( ) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

#### Archaeological Publication Report Condition

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

14.7 I can provide a specification for the archaeological work when required.