

Application No: 19/01085/REM Author: Maxine Ingram
Date valid: 8 August 2019 ☎: 0191 643 6322
Target decision date: 7 November 2019 Ward: Northumberland

Application type: approval of reserved matters

Location: Land To The West of Station Road North And, Land South Of East Benton Farm Cottages, Station Road North, Wallsend

Proposal: Reserved matters application for the submission of details of appearance, landscaping, layout and scale in respect of erection of 66 dwellings, garages, car parking together with associated boundary treatment and infrastructure pursuant to hybrid application 16/01885/FUL (amended plans 28.11.2019)

Applicant: Persimmon Homes (NE), FAO Miss Nicola Reed 2 Esh Plaza Sir Bobby Robson Way Great Park Newcastle Upon Tyne NE13 9BA

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 revised matters relating to the layout, scale, appearance and landscaping for part of Phase 2 of the hybrid planning permission 16/01885/FUL are acceptable.

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

2.0 Description of the Site

2.1 The application site forms part of a wider residential development that was granted planning permission on 15.01.2018. The site relates to part of the next phase of this development which granted fully planning permission for the construction of 175 dwellings (Phase 1) and outline planning permission for the construction of 418 residential dwellings (Phases 2 and 3).

2.2 The wider development site sits immediately to the west of the A186 and to the south of the A191. The parcel of land which relates to these reserved matters is former agricultural land. The site gently slopes from the north to south.

2.3 Immediately to the east of the application site is former agricultural land (remaining part of Phase 2) and beyond this lies the committed development of Phase 1. Construction works have commenced within Phase 1. Immediately to the north of the site is an area of land that will be utilised to provide a landscape buffer between the residential development and the A191.

2.4 Immediately to the west of the site are the East Coast Mainline and an existing car dealership/scrap yard, beyond these lies residential dwellings and the Newcastle United Training Ground. To the south of the site is a track which runs westwards from the A186 to East Benton Farm and then East Benton Cottages; it then crosses the East Coast Mainline and runs towards the playing fields at Darsley Park.

2.5 East Benton Farm is a Grade II Listed Building is located to the south of the site; this does not sit within the boundary of the application site.

2.6 The site forms part of a designated housing site (Site 17 and Site 111) within the Council's Local Plan (2017).

3.0 Description of the Proposed Development

3.1 In 2018, a hybrid application for the construction of 175 residential dwellings and outline planning permission for the construction of 418 residential dwellings was granted planning permission.

3.2 This application seeks approval of all of the matters reserved under condition 3 of the hybrid consent for part of Phase 2 for 66 residential dwellings. This submission proposes a more executive housing product in comparison to the detailed approval of Phase 1 of the development as well as the East Benton Rise development located to the east of Station Road. The applicant has advised that this area of the wider development site has been chosen to locate their more executive housing product based on its location and relationship with East Benton Farmhouse and the landscape setting of the development.

3.7 Seven house types of four and five bedrooms are proposed.

4.0 Relevant Planning History

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

21/02460/REM - Development of 115no 3 and 4 bedroom properties with associated infrastructure – Pending consideration

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

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 Detailed Planning Considerations

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

-Whether the revised matters relating to the layout, scale, appearance and landscaping for part of Phase 2 of the hybrid planning permission 16/01885/FUL are acceptable.

7.2 Consultations 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 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.

8.3 Paragraph 60 of NPPF states that 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 and that land with permission is developed without unnecessary delay.

8.4 Paragraph 74 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.

8.5 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall

against the Local Plan requirement or approximately a 4-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017).

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

8.7 LP Policy S4.1 'Strategic Housing' 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.

8.8 LP Policy DM1.3 'Presumption in Favour of Sustainable Development: "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."

8.9 The site is designated as a housing site within the Local Plan (2017). The principle of constructing up to 593 residential dwellings has already been established by the granting of planning permission in 2018.

8.10 Members are advised that the principle of residential development has already been firmly established on this site.

9.0 Layout, including access

9.1 The objections received regarding impacts on residential amenity are noted. The objections received relating to Phase 3 of the wider residential development are not material planning considerations to the determination of these reserved matters.

9.2 Paragraph 126 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. These aims are further supported by paragraph 130 of the NPPF.

9.3 Paragraph 92 of the NPPF, amongst other matters, seeks to promote health and safe communities.

9.4 Paragraph 134 of the NPPF makes it clear that development that is not well-designed, especially where it fails to reflect local design policies and government guidance on design should be refused. Significant weight should be given to development which reflects local design policies etc. and development which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the surroundings.

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

9.6 LP Policy DM4.6 'Range of Housing Types and Sizes' seeks to ensure that new residential development provides a mix of homes to meet current and future demand, and to create sustainable communities.

9.7 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.

9.8 The application site relates to part of Phase 2 as approved under the hybrid approval in 2018. This phase will be accessed from Phase 1 which is currently under construction.

9.9 The Design Officer has been consulted. It is clear from their comments that the layout is logical and follows the principles agreed in Phase 1. This application will therefore contribute towards the overall layout for the site creating a cohesive and well-designed place. The layout is easy to navigate around and will facilitate movement for vehicles and pedestrians.

9.10 The layout is largely outward facing with the properties fronting onto roads and open space. Properties will also overlook the perimeter landscape buffers to the north, west and south of the site enhancing natural surveillance. Conditions relation to the planting details for these areas of landscaping were imposed as phased conditions as part of the hybrid application, the applicant will be required to comply with the requirements of these conditions. Connections to the northern landscape buffer and the track to the south of the site are incorporated into the layout. Internal landscaping and an area of open space are incorporated into the layout. Parking and visitor parking bays are well integrated into the site layout.

9.11 The layout accommodates 66no. detached residential dwellings accommodating four and five bedrooms. The proposed property types will add to the range of house types currently being constructed in Phase 1 which accommodates smaller units as well (two and three bedrooms).

9.12 The layout demonstrates that appropriate privacy distances will be achieved. Each dwelling will have its own private outdoor amenity space, parking provision, cycle storage and refuse storage.

9.13 Paragraph 185 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 impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.14 Paragraph 187 advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. It goes on to state that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

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

9.16 The objection on behalf of Proctor and Gamble is noted. Specific reference has been made to the noise condition imposed on the hybrid application. They also do not consider that the information submitted with the hybrid application fully considers the noise generated by the industrial uses to the north of the site. They consider that if appropriate mitigation cannot be achieved it will affect the operation of their site which could have implications for the viability of their operation and put jobs at risk. They have acknowledged that a landscape buffer is proposed to the north of the site which must be delivered at the same time as the housing. They consider that the site layout falls outside the parameters set in the approved plans and thus the reserved matters fall outside the scope of the outline permission.

9.17 This part of the site is located to the east of the East Coast Mainline, Newcastle United Sports Ground and a scrap yard. To the north of the site is Whitley Road (A191) beyond which lies Proctor and Gamble. Members are advised that a landscape buffer along the northern boundary of the site has been agreed and the details of the landscaping are secured by a condition imposed on the hybrid planning application. This landscape buffer will be sited between the proposed housing and the A191.

9.18 This reserved matters application will deliver housing within part of Phase 2 which follows the parameters set at outline stage.

9.19 The Manager of Environmental Health has been consulted. She has advised that noise was a considering factor for the hybrid application and conditions were recommended to address the external noise sources affecting the site. She notes that the applicant advises that the development has been designed to ensure that residents are protected from those noise sources and that appropriate glazing will be provided as part of the build specification of the dwellings. On this basis, it is the view of officers that appropriate mitigation can be achieved to ensure that future occupants are protected from nearby noise sources.

9.20 The NPPF, paragraph 55 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 56 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” The NPPF paragraph 185 aims to “avoid noise from giving rise to significant adverse impacts on health and quality of life”. Members are advised that it is clear from the environmental health comments set out in the appendix to this report that appropriate mitigation to reduce the impacts arising from the identified noise sources can be secured by conditions.

9.21 Conditions relating to noise were imposed as a phased condition and the hours of construction was imposed as a standard condition as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application. It is therefore not necessary to duplicate the conditions.

9.22 It is clear from the Manager for Environmental Health comments that she has not raised any objection to impacts on neighbouring businesses arising from this development.

9.23 The NPPF paragraph 111 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

9.24 The NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

9.25 The NPPF paragraph 113 sets out guidance on sustainability and connectivity.

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

9.27 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being.

9.28 LDD12 Transport and Highways SPD set out the parking standards for new development.

9.29 The objections received regarding the impacts on the highway network and traffic congestion are noted.

9.30 A Transport Assessment (TA) was submitted with the hybrid planning application. Previous applications assessed the local highway network which was tested in the council's Micro-simulation Transport Model. A suite of off-site highway improvements relating to East Benton Rise and the hybrid planning application were secured. These highway improvements are set out in the Highway Networks Manager comments in the appendix to this report. The highway impacts of constructing up to 593 residential dwellings on this designated housing site have been fully assessed and considered as part of the hybrid planning application.

9.31 The Highways Network Manager has been consulted. He has advised that the proposed layout provides sufficient parking and access in accordance with current standards. The proposed layout also demonstrates that cycle parking by way of a shed will be provided in the rear garden of each property. Bin collection points have also been identified on the proposed site layout. The site has access to public transport, local services and the existing public right of way networks. On this basis, he has recommended approval. Conditions relating to a construction method statement, the internal highway layout, refuse and cycle parking were imposed as phased conditions as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application.

9.32 The hybrid application was accompanied by a Travel Plan. Therefore, the Sustainable Transport Officer has no further comments to make.

9.33 Paragraph 167 of the NPPF states "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment...."

9.34 LP 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.

9.35 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).

9.36 The objections received regarding flood risk are noted.

9.37 A Flood Risk Assessment (FRA) was submitted as part of the hybrid application (16/01885/FUL). The impacts of flood risk were fully assessed and considered as part of the hybrid application. The reserved matters application complements the original drainage strategy.

9.38 The Council's Lead Local Flood Authority has been consulted. They have raised no objections to the reserved matters application.

9.39 Conditions relating to flood risk and surface water drainage were imposed as phased conditions as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application.

9.40 Northumbrian Water has been consulted. They have raised no objections to this phase of the development.

9.41 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 LP 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 hybrid application. The proposed dwellings are predominantly two storeys. The proposed scale and mass are in keeping with design approaches for Phase 1 and the existing housing located to the southeast of the site.

10.6 Conditions relating to levels was imposed as a phased condition as part of the hybrid application; the applicant will be required to comply with the requirements of this condition relating to the phases subject of this application.

10.7 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 It is clear from the design comments that the architectural approach responds well to East Benton Farm and the design of the units around this area changes to reflect a more traditional appearance. The applicant has amended the surfacing materials however, boundary treatments have not been satisfactorily provided. Members are advised that the conditions relating to materials and boundary treatments were imposed as a phased condition as part of the hybrid application; the applicant will be required to comply with the requirements of this condition relating to the phases subject of this application.

11.3 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. 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 LP DM5.9 'Trees, Woodland and Hedgerows' 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.

12.3 LP 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 objections received regarding the loss of green space and the impacts on wildlife are noted.

12.6 The ecology issues associated with the development of this land for housing has been assessed and fully considered as part of the approved hybrid application. As part of the approved hybrid application a landscape buffer to be provided around the perimeter of the wider residential development and SUDs was secured. This landscape buffer will be provided in phases.

12.7 This part of the site lies adjacent to an area of land that will form a landscape buffer to the north of the site. The delivery of this northern buffer will be delivered in two phases which is secured by conditions attached to the hybrid application. To the west and south of the site a landscape buffer will be retained. The delivery of these areas is secured by a condition attached to the hybrid application.

12.8 The submitted layout incorporates internal landscape to assist in breaking up the built form and enhancing the overall quality of the external environment. Details of the internal landscaping have been submitted. These plans have been considered by the Council's Biodiversity Officer and Landscape Architect. They consider the internal landscaping details to be acceptable. A condition is recommended to secure the internal landscaping.

12.9 The comments from the Police Architectural Liaison Officer are noted. The applicant has provided details of the bollard lighting and street lighting to demonstrate that the proposed lighting will not impact on the landscape buffers to be delivered to the north, west and south of the site. Low level lighting is to be secured in the northern landscape buffer to minimise any impacts to biodiversity in this area. Conditions relating to light spillage into sensitive areas were imposed as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application.

12.10 Conditions relating to external landscaping, drainage and biodiversity were imposed as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application.

12.11 Natural England has been consulted. They have advised that they have no comments to make.

12.12 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 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 recommended conditional approval. Conditions relating to gas and contaminated land were imposed as phased conditions as part of the hybrid application; the applicant will be required to comply with the requirements of this condition relating to the phases subject of this application. It is therefore not necessary to duplicate these conditions.

13.2 National Highways have been consulted. They have raised no objections.

13.3 Newcastle City Council has been consulted. They have raised no objections.

13.4 Newcastle International Airport Limited (NIAL) has been consulted. The impacts on bird strike relating to drainage and landscaping were considered as part of the hybrid application. Conditions relating to bird strike, drainage and landscaping were imposed as part of the hybrid application; the applicant will be required to comply with the requirements of this condition relating to the phases subject of this application. It is therefore not necessary to duplicate these conditions.

13.5 Network Rail has been consulted. They have raised no objections, but they have set out several requirements that must be met. It is suggested that these requirements are dealt with as an informative and conditions. Conditions relating to drainage, boundary fencing, method statements, lighting and landscaping were imposed as part of the hybrid application; the applicant will be required to comply with the requirements of this condition relating to the phases subject of this application. It is therefore not necessary to duplicate these conditions.

13.6 Nexus have been consulted. They have raised no objections.

13.7 The Coal Authority has been consulted. They have raised no objections.

13.8 The Tyne and Wear Archaeology Officer has been consulted. She has raised no objections.

13.9 Northern Powergrid have been consulted. They have raised no objections.

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 hybrid application remain and will have to be to be complied with as 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 2 Rev A

Architectural Layout Dwg No. SRW/CC/GA/001 Rev 0

Detailed planting proposals Sheet 1 of 7 Dwg No. T93-01-P1 Rev H

Detailed planting proposals Sheet 2 of 7 Dwg No. T93-02-P1 Rev H

Detailed planting proposals Sheet 3 of 7 Dwg No. T93-03-P1 Rev H

Detailed planting proposals Sheet 4 of 7 Dwg No. T93-04-P1 Rev J

Detailed planting proposals Sheet 5 of 7 Dwg No. T93-05-P1 Rev H

Detailed planting proposals Sheet 6 of 7 Dwg No. T93-01-P1 Rev H

Planting Schedule 7 of 7 Dwg No. T93-07-P1 Rev K

Fenchurch Dwg No. FH-WD10 K plans and elevations

Fenchurch Dwg No. FH-WD10 K plans and elevations

Holborn Dwg No. HB-WD10 M plans and elevations

Holborn Dwg No. HB-WD17 M plans and elevations

Harley Dwg No. HY-WD10 Q plans and elevations

Harley Dwg No. HY-WD17 R plans and elevations

Marlborough Dwg No. MB-WD10 J plans and elevations

Marlborough Dwg No. MB-WD17 J plans and elevations

Marylebone Dwg No. ME-WD10 J plans and elevations

Marylebone Dwg No. ME-WD17 J plans and elevations

Mayfair Dwg No. MY -WD17 K plans and elevations

Regent Dwg No. RT-WD10 M plans and elevations

Regent Dwg No. RT-WD17 M plans and elevations

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

2. Restrict Hours No Construction Sun BH HOU00 *
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3. Prior to the occupation of any dwelling hereby approved, a ventilation scheme for habitable rooms must be submitted for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2 of Approved Document F. Mechanical ventilation, with an extract vent in each habitable room, must be provided as a minimum for properties located to the eastern boundary of the site adjacent to the A186 and for the northwestern boundary of the site adjacent to the scrap yard. For other properties, an alternative passive acoustic ventilation will be considered adequate. The ventilation to meet the requirements of Building Regulations with windows closed. Thereafter, these agreed details shall be

implemented prior to the occupation of each dwelling and shall be permanently maintained and retained.

Reason: In order to protect the amenity of future occupants from undue noise and disturbance having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

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

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

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

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

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

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

7. Prior to the occupation of each dwelling hereby approved, driveway depths of 5.0m for roller shutter garage doors, 5.5m for up and over doors and 6.0m for side-opening doors shall be provided and retained within the site thereafter.

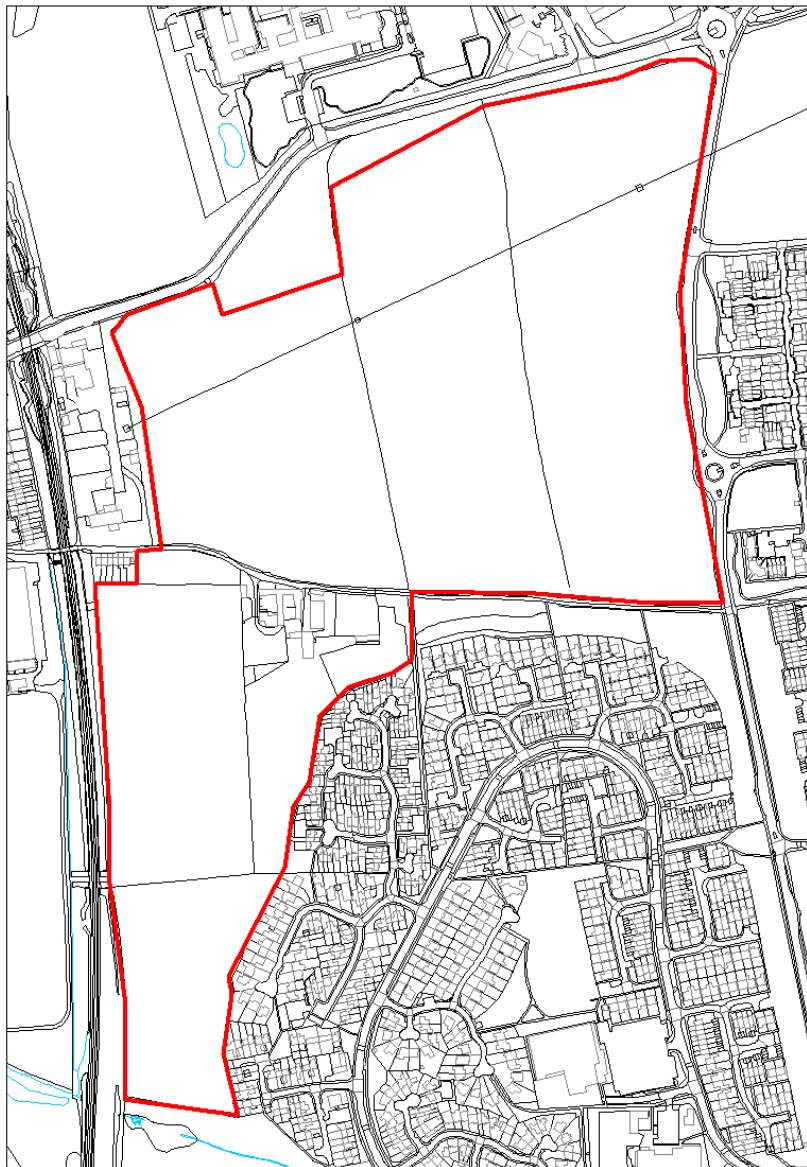
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved for phase 2.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

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.



Application reference: 19/01085/REM

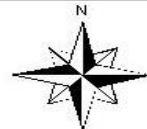
Location: Land To The West Of Station Road North And, Land South Of East Benton Farm Cottages, Station Road North

Proposal: Reserved matters application for the submission of details of appearance, landscaping, layout and scale in respect of erection of 66 dwellings, garages, car parking together with associated boundary treatment and infrastructure pursuant to hybrid application 16/01885/FUL

Not to scale

Date: 25.05.2022

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**Appendix 1 – 19/01085/REM
Item 3**

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This is a reserved matters application for the submission of details of appearance, landscaping, layout and scale in respect of erection of 66 dwellings, garages, car parking together with associated boundary treatment and infrastructure pursuant to hybrid application 16/01885/FUL.

1.3 The original hybrid application (16/01885/FUL) was granted permission in 2017 and previously permission was granted on appeal for the development on the east side of Station Road (12/02025/FUL) in 2014.

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

1.5 The agreed works are set out below:

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

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

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

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

1.8 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 & cycle accessibility and a temporary turning head for a refuse vehicle will be provided until the next phase of development has been constructed. Approval is recommended with one additional condition.

1.9 Recommendation - Conditional Approval

1.10 Condition:

Prior to the occupation of each dwelling hereby approved, driveway depths of 5.0m for roller shutter garage doors, 5.5m for up & over doors and 6.0m for side-opening doors shall be provided and retained within the site thereafter.

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

1.11 Sustainable Transport

1.12 This application is for the submission of details of appearance, landscaping, layout and scale in respect of 66 properties within the ongoing development located on the western side of Station Road. The travel plan requirements were agreed under the related case 16/01885/FUL. Upon checking the latest application against the related case, I believe the Sustainable Transport requirements are covered.

1.13 Recommendation: Approval

1.14 Manager for Environmental Health (Pollution)

1.15 The site is located to the west of Station Road North the A186 to the west of the site. On the west of the site there is a railway, Newcastle United Sports Ground and a scrap yard. Noise was a considering factor for the outline application and conditions were recommended to address the external noise sources affecting the site. I note that the applicant advises that the development has been designed to ensure that residents are protected from those noise sources and that appropriate glazing will be provided as part of the build specification of the dwellings.

1.16 I would therefore recommend the following conditions are attached to any approval to ensure appropriate sound mitigation measures are provided.

Prior to occupation, a noise scheme must be submitted to the local planning authority for approval and agreed and thereafter implemented that has taken into account future noise levels within the site, likely to be experienced within the next 15 years, whichever commences first, to consider the noise levels arising from traffic, industrial noise to the north of the site and Newcastle United Sports Ground and Scrap yard located to the west of the site. The noise scheme to include details of the acoustic glazing to ensure habitable bedrooms meet the good internal standard of 30 dB LAeq,T at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq,T in accordance to BS8233:2014.

Prior to occupation, the ventilation scheme for habitable rooms must be submitted for approval in writing and thereafter implemented to ensure an

appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2 of Approved Document F.

Mechanical ventilation, with an extract vent in each habitable room, must be provided as a minimum for properties located to the eastern boundary of the site adjacent to the A186 and for the northwestern boundary of the site adjacent to the scrap yard. For other properties, an alternative passive acoustic ventilation will be considered adequate. The ventilation to meet the requirements of Building Regulations with windows closed.

Housing located to western boundary to be set back a distance of 45 metres from railway line to ensure noise exposure levels from the rail line are met as specified within noise report no. 246.58/2.

Details of the acoustic mitigation measures to be provided to the northwestern boundary of the site must be submitted and implemented on approval of the local Planning Authority, to attenuate noise from the scrap yard.

1.17 Manager for Environmental Health (Contaminated Land)

1.18 The site lies within 250m of two known landfills, namely the Powder Monkey c.65m south of the site and Benton Quarry c. 243m northwest of the site.

1.19 Due to the proposed sensitive end use and the location of the two landfills the following should be attached:

CON 01 – Contaminated land

GAS 06 – Gas

1.20 Lead Local Flood Authority (LLFA)

1.21 I have carried out a review of the planning application 19/01085/FUL, I can confirm that I have no objections to the proposals.

1.22 Design Officer

1.23 The application is generally well designed with a logical layout. The architectural approach responds well to East Benton Farm and the design of the units around this area changes to reflect a more traditional appearance.

1.24 A revised surface material plan has been submitted which now addresses previous concerns about the quality of surface materials proposed on shared driveways and visitor bays.

1.25 Boundary treatment details have not been satisfactorily provided and therefore should be conditioned. The condition should ensure that all plots where rear gardens face the public realm have a brick wall boundary treatment.

1.26 All other aspects of the design and layout are supported.

1.27 Landscape Architect and Biodiversity Officer

1.28 This application is a reserved matters application for Phase 2. Architectural Layout revision 0 (DWG: SRW/CC/GA/001) shows the footpath to the northern open space area realigned in accordance with the approved masterplan. A mixed species hedgerow runs along the northern and eastern boundary. A small

substation has been included to the very south-east corner of the site in the area of open space.

1.29 An email dated 21st March 2022 has been received. The planting is to be removed from the 'architectural drawing' so that there are now no inconsistencies between this plan and the landscape plans.

1.30 A number of landscape drawings (Planting Sheets 1-6) and a Planting Schedule (Sheet 7 of 7 DWG: T93-07-P1) have been submitted and amended in response to officer feedback and the final drawings are now considered to be acceptable.

1.31 Conditions

The scheme should be undertaken in accordance with the following plans:-

- Detailed Planting Plans 1 to 6 (DWGs: T93-01-P1; T93-02-P1; T93-03-P1; T93-04-P1; T93-05-P1; T93-06-P1) submitted March 2022.
- Planting Schedule 7 of 7 (DWG: T93-07-P1) submitted April 2022
- Architectural Layout Revision) (DWG: SRW/CC/GA/001)
- S38 Street Lighting Design (DWG: PLL/2020/287/002 Rev 2)
- Bollard Lighting Design (DWG: PLL/2020/326 Rev1)

1.32 In addition, all appropriate landscape and ecology conditions attached to hybrid application 16/01885/FUL remain relevant to this application.

2.0 Representations

2.1 Eight objections have been received. These objections are set out below.

- Adverse effect on wildlife.
- Affect setting of listed building.
- Not in accordance with development plan.
- Impact on landscape.
- Inadequate drainage.
- Inadequate parking provision.
- Loss of privacy.
- Loss of/damage to trees.
- Nuisance: disturbance, dust, dirt, fumes, noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Precedent will be set.
- Traffic congestion.
- Visual intrusion.
- Within greenbelt/no special circumstance.
- This further new estate will cause even more disruption to traffic as is already being seen from the estate built to the east of Station Road.
- There are no facilities for the amount of people who will be moving in to these houses.
- How will the local school cope with all the extra children some of the existing pupils are being taught in porta cabins already.

-What about the GP surgery and shops which were on the plans for the estate on the east of Station Road. These have not been built yet and they were subject to the approval of those plans.

-Too much overcrowding in this area.

-Taking away green belt land.

-Are the rights of way paths to be kept open?

-What about all the walkers and cyclists who use the area and the effect the traffic will have on their safety.

-The Developer has yet to comply with promised road improvements attached to the previous housing development on the east of Station Road North.

Roundabout improvements at Station Road / Wiltshire Drive were started on 29/4/2019 for a said period of 10 weeks. The roundabout has been left for weeks in disarray, partially completed with inadequate pedestrian footpaths and temporary barriers that hinder motorists view of approaching traffic. Complete disregard for road safety and local residents.

-Volume of traffic is already at breaking point with Station Road regularly gridlocked. To make matters worse replacing a roundabout with traffic lights at Asda Superstore, connected to yet another housing development, is now creating tailbacks affecting the Station Road North / Whitley Road roundabout. It is not helped, of course, that a bus stop layby was not included in the upgrade plans for this part of Station Road meaning that stationary buses, only metres from the roundabout, also disrupt the flow of traffic. Poor highway planning creating even more tailbacks, delays, and increasing harmful emissions.

-Staying on the subject of travel and carbon emissions, I seem to recall this Developer promising a network of cycle paths that would obviate the need for car travel or at least provide routes to schools and Metro etc. Just like the promised road upgrades they do not appear to have materialised.

-The East Station Road development also mentioned amenities such as a GP Surgery and Retail Outlets. Well like everything else promised they also seem to have been conveniently forgotten about. Promised amenities have not transpired.

-Most people now realise that no matter how many objections are raised these developments will go ahead in some form regardless of their detrimental affect. However, we should at least be able to rely on the Local Authority to hold the Developer to account for promised upgrades etc. At the moment we cannot. Stop building until previous promises are met.

-I have objected numerous times about this development. Phase 3 of the development is completely unnecessary and will totally ruin the area. The developer is well known for building shoddy houses which are not fit for purpose. They make promises they do not keep. If this development goes ahead, it will cause even more pollution and traffic congestion in the area. The wildlife will be disturbed again. Foxes, deer, rabbits and the horses currently residing at the farm will have to find somewhere else to live. It is totally unfair and should not be allowed to happen. I have spoken to hundreds of people who are all against the development, but people are aware that we do not have a say and money talks so no point objecting.

-Can you let us know how you are going to protect the stable block? As on the plans the stable block stays but that area is going to be left open for anyone to roam on? The residents are very concerned that the stable block will attract vandals and there'll be people sitting in them drinking etc. Why can't you keep this sectioned off and allow some of the horses to stay??

-With reference to the above application, I have lived in this property since it was built in 1982 and have had unobstructed light into the west/northwest facing garden at the rear of my property. We get the sun onto the garden from the south at lunchtime and then for the rest of the afternoon the sun comes from the southwest and west as the afternoon progresses. If these houses are built according to the plans i.e.: with their rear gardens adjoining my perimeter fence, what safeguards do I have that the owners will not plant trees/conifers that can grow to great heights and block out the sunlight completely from my garden that I have enjoyed for the last 32 years. Where does my 'right to Light' laws come into this?

-When we had a meeting with the directors and architect/surveyor from Persimmon a couple of years ago, the architect told us that the gardens of the properties being built would be an extra 10 metres longer than normal to give us more privacy, however this does not prevent these owners from planting tall light blocking trees right up against my perimeter fence. He gave me his email address so that I could contact him with any concerns, however I have emailed him several times regarding this matter, and I have not had a single reply. My suggestion to him was, that we be given that extra 10 metres instead of the new houses (properly rotated and fenced) so that we have control over how near planting could take place. But as I said, he never responded to any email. Giving us the extra 10 metres would also solve the problem of what provision has been set aside to allow me access to my perimeter fence to allow me to carry out maintenance. I did also email the architect/surveyor regarding this issue but again did not receive a reply.

-I would like assurances that provision is in place to safeguard our 'right to light' and also access to our fencing from both sides for maintenance

-One more futile attempt to persuade the council to apply some consideration of its residents wishes and needs. If lockdown has demonstrated anything it is the vast over use of limited green space and amenity land. Throughout 2020 the Rising Sun and paths around East Benton have looked more like a Northumberland Street on a Saturday crossed with the 'Tour-de-Tyneside' route.

-Please don't make it any worse by crowding another 600 homes onto the already densely populated area.

2.2 Proctor and Gamble

P&G operate a Research and Development facility supporting P&G's global Fabric & Home Care business and particularly the global Dry Laundry, Automatic Dishwashing and Professionals businesses to the north of Whitley Road, close to the application site. The site has been operational since 1957 and the company employ approximately 270 staff at the 7.6 hectare site.

My client is concerned that the proposed development does not take sufficient steps to ensure that the established operation of their Wallsend facility will not be impacted upon by the proposed residential development. As you will know, paragraph 182 of the NPPF states that existing businesses should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. Where an existing business could have an adverse effect on new development, the applicant, or agent of change should be required to provide suitable mitigation.

With this in mind, we note that Condition 22 attached to the outline consent for the site (ref 16/01885/FUL) relates to noise and mitigation and states that:

Prior to the commencement of Phases 2 and 3 a noise scheme that considers both existing and future noise levels likely to be experienced, for the opening year of that phase of the development, or the next 15 years, whichever commences first, shall be submitted to and approved in writing by the Local Planning Authority. This noise scheme shall take into account noise levels arising from traffic, industrial noise to the north of the site and Newcastle United Sports Ground and scrap yard located to the west of the site and 24 hour rail noise from the adjacent line. The noise scheme shall include a detailed mitigation scheme to ensure suitable internal and external noise levels in with BS8233 and the World Health Organisation Community Noise guidelines.

Importantly, the condition makes specific reference to the “industrial noise to the north of the site” and the need to agree a scheme of mitigation. We have reviewed the information submitted with the reserved matters application and note that no further assessments have been submitted, nor has any acoustic mitigation measures been proposed as part of the development.

Having reviewed the Noise Assessment and Noise Addendum submitted with the outline application we note that neither document considers the noise from the “agent of change” perspective as set out in national policy. Indeed, neither the main assessment or the subsequent addendum considers noise generated by the industrial uses to the north of the site, only taking background readings along the eastern and western boundaries of the site.

It follows, that the potential impact of noise generated by the industrial uses to the north of the application site has not been fully considered when designing the scheme. If the issue is not properly considered at the design stage, then there is a risk that the appropriate mitigation cannot be effectively retrofitted and thus my client’s operation will be unfairly affected. As such, there is a risk that the proposed development could result in restrictions being placed on my client’s operation, which could have implications for the viability of the operation, thus putting 400 jobs (direct employees as well as contract support staff) on site at risk.

Accordingly, it is essential that this issue is properly addressed at the reserved matters stage.

From reviewing the application documentation, we understand that the proposed development forms part of Phase 2 of the wider scheme approved under permission 16/01885/FUL. However, the approved phasing plan (PAR_05/B) indicates that a large section of the landscaping buffer in the northern section of the site is also to be delivered as part of Phase 2. However, the submitted reserved matters application contains no information about the landscaping in this area of the site.

Indeed, we note that condition 44 of permission 16/01885/FUL requires a full landscaping scheme, covering all areas within Phase 2 to be submitted to the LPA. My client sees the provision of the landscaping buffer at the north of the site

to be an integral element of the development that has clear potential to minimise any impacts arising from the industrial uses north of Whitley Road. Accordingly, my client believes that the landscaping buffer should form an integral part of the scheme which must be delivered at the same time as the dwelling houses to ensure its benefits are properly delivered.

We have also reviewed the submitted scheme layout and have compared this with the plans approved as part of the outline consent. We consider it would be helpful if the applicant could produce further plans to demonstrate that the proposed layout accords with the parameters shown on the approved plans, namely Phasing Plan PAR_05/B and Density Plan PAR_02B. It appears to us that the submitted layout plan (ref SRW/CC/GA/001) proposes development outside the parameters set in the approved plans and thus, the reserved matters scheme falls outside the scope of the outline permission.

Finally, my client is concerned about the scale of traffic generated by the development and the potential implications for the operation of their site. In particular, my client is concerned that the impact of the development upon the functioning of the A191 Whitley Road/A186 Station Road roundabout which is close to the entrance to the P&G site and the Bellway Industrial Estate.

With this in mind, I note that the Transport Assessment submitted with the hybrid planning application includes widening of the eastbound approach of the Whitley Road/Station Road roundabout. This is secured by condition 27 of the permission. However, within the TA, the applicant relies on the widening of the westbound approach to that roundabout being carried out by the developer of a separate application (Station Road West). While the transport evidence indicates that the widening of both approaches to the roundabout is required to support the development without undue impacts on the highway network, there only appears to be a requirement for the applicant to ensure just one of the junction improvements works (eastbound) is carried out. There is therefore a risk that the widening of the westbound approach never takes place which would clearly have potential implications for the operation of the existing employment uses which rely upon the A191 Whitley Road for access.

3.0 External Consultees

3.1 National Highways

3.2 No objection.

3.3 The Coal Authority

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

3.5 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's standing advice within the decision notice as an informative note to the applicant in the interests of public health.

3.6 Northumbrian Water

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

3.8 Having assessed the proposed development against the context outlined above I refer you to our previous response to the application, dated 19th December 2016, and can confirm that at this stage we would have no additional comments to make.

3.9 Natural England

3.10 Natural England has no comments to make on this application.

3.11 Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

3.12 Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

3.13 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

3.14 We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

3.15 Tyne and Wear Archaeology Officer

3.16 No comments to make.

3.17 Police Architectural Liaison Officer

3.18 We have no objection, however we do have concerns around the use of bollard lighting for footpath, leading from the development to Whitley Road.

3.19 Good lighting conditions at night is vital, to ensure residents feel safe, we do not recommend the use of bollard lighting as the main source of lights, we feel

that bollard lighting is purely for wayfinding and can be easily obscured or damaged. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result it may cause an increased fear of crime, therefore it should be avoided.

3.20 I appreciate, bollard lighting may have been considered due to ecology on the site, however I would recommend this type of lighting is reconsidered, with lighting columns to be used instead and measures considered such as dimming lighting, or lighting that complies with those used on dark sky reserves.

3.21 Nexus

3.22 No comment to make.

3.23 Newcastle City Council

3.24 No objection.

3.25 Newcastle International Airport Limited (NIAL)

3.26 Provided that the Bird Hazard Management Plan (BHMP) and my comments below are adhered to, we have no objection.

- Planting mix should be limited to no more than 10% berry bearing species;
- Can you provide the bird hazard management plan in relation to the SUDS?
- Any crane operations must go through the CAA approval procedure.

3.27 Northern Powergrid

3.28 No objection, refer to standing advice.

3.29 Network Rail

3.30 With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway.

3.31 I would advise that in particular the drainage, boundary fencing, method statements, soundproofing, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

- There should be no increase to average or peak flows of surface water run-off leading towards Network Rail assets, including earthworks, bridges and culverts. All surface water run-off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
- Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

-Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Although the existing NR fence is adequate in preventing trespass there will inevitably be pressure from the new residents to soften or even attempt to alter its appearance. It should be noted that our fence should not be altered or moved in any way and nothing should be put in place to prevent us from maintaining our boundary fence as we are obliged to do so in law. It is our experience that most developments seek to provide their own boundary enclosure so as to avoid such future problems. It would also help to reduce the impact of railway noise. We would advise that the developer should provide a trespass proof fence adjacent to Network Rail's boundary (minimum 1.8m high) and make provision for its

future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would

request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted

mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen – Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 1.8 metres and the fence should not be able to be climbed.

Network Rail is required to recover all reasonable costs associated with facilitating these works.