

Application No: 19/00669/OUT

Author: Julie Lawson

Date valid: 22 May 2019
Target decision date: 21 August 2019

☎: 0191 643 6337
Ward: Killingworth

Application type: outline planning application

Location: Scaffold Hill Farm, Whitley Road, Benton, NEWCASTLE UPON TYNE, NE12 9ST

Proposal: Outline application for up to 35 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments (resubmission)

Applicant: The Northumberland Estate, Estates Office Alnwick Castle Alnwick NE66 1NQ

Agent: Pegasus Group, Ms Sandra Manson Pavilion Court Green Lane Garforth Leeds LS25 2AF

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues in this case are:

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

2.0 Description of the Site

2.1 The site to which this application relates consists of fields to the south of an existing committed housing development. The site measures 6.25 hectares.

2.2 To the west of the site is the A191 Holystone bypass with residential dwellings beyond. To the east is the A19. To the south is the Scaffold Hill Farm, fields and woodland within the Rising Sun Country Park.

2.3 The northern part of the site is designated as an existing housing site under Policy S4.2(b) in the Local Plan (2017), and the area to the south of the existing

footpath is allocated as open space under Policy DM5.3. A wildlife corridor crosses the site.

2.4 The northern part of this application site was originally intended to be used for allotments as part of the approved housing scheme for 460 dwellings, currently under construction to the north of the site.

3.0 Description of the Proposed Development

3.1 Outline planning permission is sought for the construction of up to 35 residential dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments. It is a resubmission of an application refused in December 2018 for up to 38 dwellings. An appeal is currently under consideration by the Planning Inspectorate (PINS) against that refusal.

3.2 The application is seeking outline planning permission only with all matters reserved, including layout, access, scale, appearance and landscaping for future approval.

3.2 Indicative layout plans have been submitted. Access to the development will be taken at two separate points to the north of the site through the consented residential development to the north which, in turn, is accessed off the A191.

3.3 Allotments are proposed to the existing grazed field to the south western part of the site. Dedicated parking would be provided for the allotments.

3.4 The residential element of the proposed scheme is to be restricted to the western end of the site, with the land to the east being subject to a landscaping scheme which will provide biodiversity enhancement.

3.5 The applicant has indicated that 25% of the dwellings will be for affordable purposes. The application forms indicate that 26 dwellings will be for market housing and 9 for social housing. The applicant has indicated that the density would be 19 dwellings per hectare.

3.6 The proposal includes the undergrounding of the existing pylons crossing the site. The applicant has indicated that the pylon currently in the field to the western part of the site will be changed to a different pylon. The two pylons to the north of the Scaffold Hill Farm right of way will be removed, as will the pylon to the east adjacent to the A19.

4.0 Relevant Planning History

18/00081/OUT: Outline application for up to 38 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments:
Refused 20.12.18

The above application was refused for the following reasons:

1. The proposed development would have a detrimental impact on road safety due to the lack of suitable crossing points on the A191, contrary to the advice in NPPF and Policy DM7.4 of the North Tyneside Local Plan 2017.

2. The proposed development is harmful to biodiversity in the area, contrary to Policy DM5.5 of the North Tyneside Local Plan 2017.
3. The proposed development would result in an overdevelopment of the site, having regard to the housing construction to the north of the application site, contrary to Policy DM6.1 of the North Tyneside Local Plan 2017.
4. The additional houses would have a detrimental impact in terms of flood risk to the local area, contrary to Policy DM5.12 of the North Tyneside Local Plan 2017.

An appeal has been submitted to the Planning Inspectorate against this refusal. On 9th July 2019 members of the planning committee determined not to defend the reason for refusals numbers 1, 3 & 4, leaving reason 2 as the only reason to be defended.

16/00074/FUL: Variation of Condition 2 of application 15/00945/FUL - revised layout, substitutes affordable plots 281-294 and 444-455, reducing social rented and shared ownership unit and increasing discounted market value units:
Permitted 24.03.16

15/00945/FUL: Residential development of 460 dwellings (use class C3) comprising of 115 affordable dwellings and 345 open market dwellings with associated access, infrastructure and engineering works. Extension to rising sun country park with associated habitat, landscape and recreational improvements:
Permitted 16.11.15

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance

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 in this case are:

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

- Impact on ecology;
- Impact on highway safety;
- Other issues.

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

8.0 Principle of development

8.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These relate to economic, social and environmental objectives. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. At the heart of the Framework is a presumption in favour of sustainable development.

8.2 The NPPF paragraph 11 states that for decision making development proposals that accord with an up-to-date development plans should be approved without delay.

8.3 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.4 In relation to housing, NPPF states that the Government's housing objective is to increase significantly the delivery of new homes. In order to achieve this objective Government requires that authorities should identify and maintain a rolling supply of specific deliverable sites to provide five years worth of housing against their housing requirements plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a persistent under delivery, the buffer should be increased by 20%.

8.5 Policy S1.2 of the Local Plan 'Spatial Strategy for Health and Well-being' states that the wellbeing and health of communities will be maintained and improved by:

- a. Working in partnership with the health authorities to improve the health and well-being of North Tyneside's residents.
- b. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:
 - i. Creating an inclusive built and natural environment.
 - ii. Promoting and facilitating active and healthy lifestyles, in particular walking and cycling.
 - iii. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
 - iv. Providing good access for all to health and social care facilities.
 - v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.

- c. Promoting allotments and gardens for exercise, recreation and for healthy locally produced food.
- d. Controlling the location of, and access to, unhealthy eating outlets.

8.6 Policy S1.4 of the Local Plan '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 management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

- a. Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change.
- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.
- c. Make the most effective and efficient use of available land.
- d. Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- e. Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

8.7 Policy S4.1 'Strategic Housing' states:

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.

In doing so, this will reflect the following key priorities of:

- a. Providing enough new homes to meet current and future need and ensuring the Borough maintains a rolling five year supply of deliverable housing land;
- b. Delivering a distribution of new housing that is sustainable, taking account of the economic, social and environmental impacts of development and infrastructure requirements;
- c. The delivery of brownfield land, whilst taking into consideration the viability of land for development;
- d. Providing accommodation that is affordable for all sectors of the local community;
- e. Improving existing residential areas and bringing empty homes back into residential use;
- f. Delivering a range and type of housing that is currently under-provided for in the Borough, in order to meet identified shortfalls in need;
- g. Ensuring the delivery of specialist stock to meet specific needs such as larger housing, and extra care facilities;
- h. Promoting good management of Houses in Multiple Occupation including encouraging landlords to work with the Council through specific improvement schemes and initiatives;

- i. Offering opportunities for self-build schemes, including the identification of parcels of land on larger housing sites; and,
- j. Ensuring that there remains a choice and variety of viable housing sites, capable of meeting a range of housing needs.

8.8 DM4.5 Criteria for New Housing Development states that proposals for residential development on sites not identified on the Policies Map will be considered

positively where they can:

- a. Make a positive contribution to the identified housing needs of the Borough; and,
- b. Create a, or contribute to an existing, sustainable residential community; and,
- c. Be accessible to a range of sustainable transport modes; and,
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and,
- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and,
- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and,
- g. Demonstrate that they accord with the policies within this Local Plan.

8.9 DM1.3 'Presumption in Favour of Sustainable Development' 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.

8.10 Policy S4.3 'Distribution of Housing Development Sites' states that the sites allocated for housing development are identified on the Policies Map.

8.11 Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

8.12 Policy S5.1 'Strategic Green Infrastructure' states that the Council will seek the protection, enhancement, extension and creation of green infrastructure in appropriate locations within, and adjoining the Borough which supports the delivery of North Tyneside's Green Infrastructure Strategy. Where deficiencies in the quality of green infrastructure and in particular types of green infrastructure are identified in relevant up-to-date evidence, improvements will be targeted to those areas accordingly.

8.13 Policy DM5.2 'Protection of Green Infrastructure' states that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or
- d. The proposed development would be ancillary to the use of green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

8.14 Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections.

8.15 Proposals for new green infrastructure or improvements to existing should seek net gains for biodiversity, improve accessibility and multi functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

8.16 Policy DM5.3 'Green Space Provision and Standards' states that within North Tyneside, accessible green space will be protected and enhances to be of the highest quality and value. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy (GSS). Opportunities should be sought to improve provision for new and existing residents.

8.17 The Local Plan text states:

"North Tyneside's Allotment Strategy (2009-2015) sets out the Council's action plan and requirements for allotments within North Tyneside. The areas of greatest need for new allotment sites are Killingworth, North Shields/Tynemouth and Whitley Bay.

Developing new allotment provision in these areas will not only provide for the local demand but also reduce the pressure of sites in adjacent neighbourhoods."

8.18 The northern part of this application site was approved for allotment provision under the planning application for the housing that is currently under construction to the north of this site. Members are advised that this part of the site, now proposed for housing and ecological enhancement, is allocated as an existing site for housing under the Local Plan. Therefore the principle of housing on this part of the site is acceptable.

8.19 The area to the south of the footpath is allocated as open space in the Local Plan. A field in this area is now proposed for allotment provision. The site of the proposed allotments is currently a grazed field. This part of the site is indicated for agricultural grazing on the approved landscaping plan for the Country Park extension as agreed under application reference 15/00945/FUL. The provision of allotments on the site accords with the policies in the Local Plan.

8.20 The Allotment Service was consulted under the previous application and they advise that they require an appropriate number of allotments as previously agreed under the scheme reference 15/00945/FUL. The applicant has advised that the proposed allotment area extends to 1.4ha (including parking) comprising a mix of full size allotments (250sqm), half size allotments (125sqm) and quarter size allotments (60sqm). The consented area extends to 1.25ha (including parking), comprising full/half size allotments. There is, therefore, a net increase in provision.

8.21 The detailed layout of the allotments can be dealt with under the reserved matters application. It is considered that there is sufficient detail to demonstrate that the proposal is acceptable in terms of the amount of allotment provision. Conditions are recommended to ensure a satisfactory layout for allotments is provided.

9.0 North Tyneside 5-Year Housing Land Supply

9.1 Paragraph 73 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.2 The most up to date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 6.1 year supply of housing land). It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017).

9.3 The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 6.1 year supply of housing land. Although the Council can demonstrate a five year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can be granted which add to the choice and range of housing.

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

10.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

10.2 Policy DM4.6 'Range of Housing Types and Sizes' states that to ensure that new residential development provides a mix of homes, to meet current and future demand, and to create sustainable communities, applications for new housing development will be considered with regard to the Council's most up-to-date evidence, including housing need and local housing market conditions.

10.3 Policy DM 4.7 states that the Council will seek 25% of new homes to be affordable on new housing developments of 11 or more dwellings and gross

internal area of more than 1000sqm. Developments will be required to provide a mix of affordable housing for rent and intermediate housing.

10.4 Policy DM 4.9 sets out housing standards.

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

10.6 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.

10.7 Policy S6.5 'Heritage Assets' states that North Tyneside Council aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by:

- a. Respecting the significance of assets.
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.
- e. Supporting appropriate interpretation and promotion of the heritage assets.
- f. Adding to and keeping up-to-date the Borough's heritage asset evidence base and guidance. Examples include conservation area character appraisals, conservation area boundary reviews, conservation area management strategies, conservation statements/plans, registers of listed and locally registered buildings, the historic environment record and buildings at risk registers.

g. Using the evidence it has gathered, implement the available tools to conserve heritage assets, such as Article 4 Directions and Building Preservation Notices. DM6.6 Protection, Preservation and Enhancement of Heritage Assets
Proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

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

10.9 The applicant has submitted an addendum to their original Design and Access Statement to address the reason for refusal 3 relating to overdevelopment of the site, although it is noted that this reason has now been withdrawn by the Council. The applicants have referred to the criteria set out in Policy DM6.1.

10.10 With regards to criteria (a), they have advised that the proposed development responds to the site context, in particular, its proximity to The Rising Sun Country Park and its integration into the wider consented scheme to the north. They refer to pre-application discussions, which reduced the development from 54 units down to 35 as now proposed. They have reduced the number of dwellings by 3 from the previous planning application, reducing the overall density from 21 plots per hectare to 19. They have reduced the road and hardstanding to the west of the development and proposed additional landscaping to the rear of those homes to the west of the development. With regards to criteria (b), the applicant has advised that the removal of the pylons will provide a visually positive contribution to the area and allow for a more active frontage of development to both the Country Park and other major distributor roads which surround the site to the north. With regards to criteria (c & d), the proposed indicative layout shows dwellings which provide a positive and active frontage to the street scene with clearly defined public, semi-private and private space. With regards to criteria (e), the applicant advises that the proposed car parking has been carefully integrated into the scheme so that the public realm environment is not overly dominated by vehicles. Visitor parking is also provided in accordance with the Local Authority's standards and is integrated throughout the development in areas which are easily accessible. With regards to criteria (f), all the proposed dwellings will have access to their own private rear and front garden space.

10.11 A Landscape Visual assessment has been submitted which considers the impact of housing on this site. This states that the development will have localised visual impacts. It is considered that the undergrounding of the pylons will have a beneficial effect on the Country Park.

10.12 The application is in outline form only therefore the layout of the development would be determined at a future reserved matters stage. However, the LPA needs to be satisfied that the proposed number of dwellings can be

accommodated on the site in a satisfactory manner. The Design Officer has advised that the layout links in well with the approved scheme to the north of the site and largely provides a positive development edge with units overlooking the Country Park. This is further complimented by the existing hedgerow which is to be retained and enhanced and will form a landscape buffer between the development and the Country Park. Plots 1 to 10 overlook the site entrance and contribute towards creating a distinctive point of entry.

10.13 The applicant has advised that all residential curtilages will fall outside of the defined easement area for the electric cables.

10.14 The impact on the setting of Scaffold Hill Farm is also important. The Design Officer advises that Scaffold Hill Farm is located to the south of the site and is an undesignated heritage asset, which has some significance and contributes towards the character and appearance of the area. The layout and buffer around the Farm is considered acceptable. The highway nearest the Farm is overly engineered and should be less formal in this location, but this could be addressed during the reserved matters application. He advises that he is supportive of the application and any outstanding matters can be dealt with under the reserved matters application.

10.15 Members need to consider whether the proposal would be acceptable in terms of its impact on the character and appearance of the area. It is officer advice that it is.

11.0 Impact on amenity

11.1 NPPF paragraph 180 states that planning decisions should also 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 mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

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

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

11.4 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

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

11.6 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.

11.7 The Manager of Environmental Health has advised that certain plots will require screening as the side of the gardens may have line of sight of the A191 and the noise levels will be above the WHO guidance level of 55 dB LAeq for good outdoor amenity. Given the layout is indicative, the layout can be controlled at reserved matters stage to ensure the gardens of properties are screened by the buildings from the A191. Conditions are therefore recommended to address noise mitigation.

11.8 The submitted layout is indicative and the layout would be a reserved matter. The proposed units will be located at least 40m from the existing dwellings to the west of the Holystone bypass. They would be to the north of Scaffold Hill Farmhouse and separated by over 30m. The indicative layout also shows a satisfactory layout between the proposed dwellings and the dwellings approved on the site to the north.

11.9 A condition is recommended requiring the reserved matters to have regard to the housing standards set out in Policy DM4.9.

11.10 Members need to consider whether the proposal would be acceptable in terms of its impact on amenity. It is therefore considered that the proposed development is acceptable in terms of its impact on the amenity of existing and proposed occupiers.

12.0 Highways

12.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

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

12.3 Local Plan 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.

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

12.5 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:

a. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footways and cycle routes. Connections will be integrated into existing networks with opportunities to improve connectivity identified.

b. All major development proposals likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment and a Travel Plan in accordance with standards set out in the Transport and Highways SPD (LDD12).

c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).

d. New developments will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or where necessary, identify opportunities for public transport improvements including sustainable access to public transport hubs.

e. New developments in close proximity to public transport hubs, whenever feasible, should provide a higher density of development to reflect increased opportunities for sustainable travel.

f. On developments considered appropriate, the Council will require charging points to be provided for electric vehicles in accordance with standards set out in the Transport and Highways SPD (LDD12).

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

a. Provide sustainable waste management during construction and use.

b. Ensure a suitable location for the storage and collection of waste.

c. Consider the use of innovative communal waste facilities where practicable.

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

12.8 Two objections have been received to the application on the grounds of impact on the highway network and highway safety. One of these objections refers to the lack of a safe crossing point at a particular location on the A191. One of the reasons for refusal of the last application was due to the proposed development having a detrimental impact on road safety due to the lack of suitable crossing points on the A191, contrary to the advice in NPPF and Policy DM7.4 of the North Tyneside Local Plan 2017. Since the committee decision the applicant has submitted an appeal against that refusal and on 9th July 2019 members of the planning committee have determined not to defend the road safety reason for refusal.

12.9 The applicant has submitted an additional technical note assessing issues raised around pedestrian crossing and road safety. They have advised that extensive transport infrastructure improvements have recently been carried out along the A191 corridor in the vicinity of the site, including the widening of Holystone Way, a range of junction improvements, new pedestrian crossing facilities, new pedestrian/cycle links, a new bus service and extensive improvements to the Rising Sun Country Park. These improvements have been implemented alongside the residential development to the north and have included a number of Road Safety Audits throughout the planning process to ensure that the planned crossings, junctions and links will operate safely. As part of this process, the need for any additional crossing points has been assessed. They also advise that the proposed site is accessible by sustainable transport, has satisfactory access and parking arrangements, is a low traffic generator and has a Travel Plan strategy in place to promote sustainable travel in the long term. They also advise that the location of local amenities and commercial units are predominantly to the west of the site and the current masterplan illustrates the improvements within the RSCP with regard to vehicle access and pedestrian routes/desire lines which were agreed with NTC officers during the design development stage, and supported through the previous application.

12.10 The applicants have advised that the original A191 bypass scheme design associated with the 460 residential development at Scaffold Hill did not include a proposal for an additional controlled crossing between Wheatsheaf roundabout and the new roundabout, as part of the agreed Section 106 and S278 works. The only controlled crossings are at the Wheatsheaf roundabout (via an upgraded Toucan crossing and 3m shared surface) and between the new and existing roundabouts on the A191 bypass. An improvement has been provided at this location, including a central reservation and dropped kerbs, so it is therefore considered that the Section 106 obligation has been met.

12.11 The proposal indicates two access points, one from the main estate road of the housing site to the north and the other from an access road from the estate under construction, although access to the site would be controlled as a reserve matter. The Highways Network Manager has been consulted. He has advised that a Transport Statement & Travel Plan have been submitted and it is considered that promotion of sustainable measures rather than additional highway improvements are more appropriate given the amount of improvements to the network being carried out as part of other developments in the area. Conditional approval is recommended. The applicant will be required to enter into a Section 106 Agreement for Travel Plan delivery & monitoring for the duration of construction and two years post occupation of the development. In addition the applicant will be required to enter into a Section 106 Agreement to contribute to the provision of public transport in the wider area.

12.12 Highways England have been consulted and they have advised no objections to the proposal.

12.13 Members need to consider whether the proposal would be acceptable in terms of its impact on highway safety and whether the proposal would accord with the advice in NPPF, policy DM7.4 and LDD12 and weight this in their decision.

13.0 Biodiversity

13.1 The NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. When determining planning applications, local planning authorities should apply the following principles if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

13.2 Policy DM 5.2 seeks to protect green infrastructure networks.

13.3 Policy S5.4 'Biodiversity and Geodiversity' states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

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

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

accompanied by a management plan and monitoring schedule, as agreed by the Council.

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

13.6 Policy DM5.7 'Wildlife Corridors' states that development proposals within a wildlife corridor must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

13.7 The Rising Sun is a Local Wildlife Site. The southern part of the site is a wildlife corridor. Swallow Pond and Plantation is a Local Nature reserve. Hadrian Pond 300m to the south is a Site of Nature Conservation Interest.

13.8 One of the reasons for refusal of the last application was due to the proposed development having a detrimental impact on biodiversity.

13.9 At the planning committee which considered the last application Members were concerned about the comments of Newcastle Airport and whether the proposed landscaping would be compatible with the Airport's comments regarding the planting mix proposed with the development. Their concerns were that birds would be attracted to the planting and would then cause risk of bird strike given that the site lies within an airport flight path.

13.10 The applicants have submitted a Technical Note: Landscape and Transportation (May 2019) which sets out how the planting mix has been established, in consultation with the Council's Landscape and Biodiversity officers and with regard to the guidance given by Newcastle Airport. This has been developed in accordance with the airport's requirement that within their safeguarding zone the final scheme should not comprise more than 10% of the species listed by the Airport.

13.11 The applicant has advised that the proposal includes the introduction of an increased variety of species through the addition of ornamental and native trees, woodland and shrub planting, hedgerows, ornamental vegetation and existing ephemeral ponds will be retained and enhanced including 3 additional hibernacular features to provide additional habitat for protected species. The applicant has advised that there will be 80.4 linear metres of hedgerow removed as part of the proposed development within the site, 598 linear metres of new hedgerow will be introduced within the site.

13.12 The Biodiversity Officer and the Landscape Architect have been consulted on the proposal. Discussions took place with the applicant under the last application regarding the potential impact of the development, particularly the undergrounding of the pylons, on the existing planting and the biodiversity of the

area. They have advised that the re-submitted application has not fundamentally changed. The scheme has been reduced from 38 dwellings to 35 and this appears to have resulted in a slightly amended layout which appears to show some additional landscaping along the western end of the scheme. The Ecological Assessment has also been updated. The pond located within the Local Wildlife Site (LWS), which had not been previously surveyed for great crested newt (GCN), has been surveyed in 2019. The survey recorded no evidence of great crested newt, however, palmate and smooth newt were recorded along with common frog and common toad. They have advised that there are no objections to the proposal subject to several conditions which are proposed to deal with the potential impacts of the undergrounding and construction works on the existing trees and hedgerows at the site.

13.13 Newcastle Airport have provided comments advising no objections, but the landscaping will need to be controlled due to issues with bird strike. The applicant has submitted details of the proposed landscaping and this demonstrates that the site can be landscaped in compliance with the requirements of the Airport. Landscaping is a reserve matter.

13.14 Natural England have advised that the development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance. They therefore have advised that a payment should be made towards a Coastal Mitigation Service.

13.15 Members need to determine whether the development results in significant harm to biodiversity. It is considered that subject to conditions it is considered that the impact on landscaping and biodiversity will be acceptable.

14.0 Other issues

14.1 Flooding

14.3 DM5.12 Development and Flood Risk

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

All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

In addition to the requirements of national policy, development will avoid and manage flood risk by:

- a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and
- b. According with the Council's Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas.

14.4 DM5.13 Flood Reduction Works

The Council will work with Northumbrian Water Ltd, the Environment Agency and landowners to ensure the risk of flooding in North Tyneside, to existing property and infrastructure, is reduced through a planned programme of work on the existing and future components of the drainage system.

Where development is proposed, and where it is deemed to potentially impact on drainage capacity (either individually or cumulatively), applicants will be expected to contribute to off-setting these impacts and work with the Council and its drainage partners to ensure any works are complementary to wider plans and fairly and reasonably related in scale and kind to the proposed development.

14.5 DM5.14 Surface Water Run off

Applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable.

For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

14.6 DM5.15 Sustainable Drainage

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).

The following destinations must be considered for surface water management in order of preference:

- a. Discharge into the ground*;
- b. Discharge to a surface water body;
- c. Discharge to a surface water sewer; or,
- d. Discharge to a combined sewer.

Only in exceptional circumstances, where a Flood Risk Assessment, local site conditions, and/or engineering report show that sustainable drainage systems will not be feasible will the discharge of rainwater direct to a watercourse, surface water drain or to a combined sewer be considered.

Where SuDS are provided, arrangements must be put in place for their whole lifetime management and maintenance.

Where appropriate, SuDS should be designed and located to improve biodiversity, the landscape, water quality and local amenity.

14.7 One of the previous reasons for refusal related to flooding. Since the submission of the appeal against that refusal the planning committee have resolved not to pursue that reason for refusal.

14.8 The applicant has submitted an addendum to the original flood risk assessment and drainage strategy. This addendum considers whether the previous conclusions for flood risk to the development site are still applicable under the revised layout and it includes details of the mitigation measures that can be undertaken to reduce flood risk for the development where appropriate as well as seeking to demonstrate that the development will not increase flood risk on or off site. The information sets out that a detention basin is proposed to help manage rainfall runoff and maintain existing greenfield runoff rates. The basin will then be connected to an existing pipe and be linked to SuDS basins within the Rising Sun Country Park that were developed as part of the previous residential scheme immediately north of the site. The addendum states that no properties fall within the area indicated to be at high risk from surface water flooding.

14.9 The addendum states:

“The revised layout has ensured no surface water displacement will occur as a result of the development. Mitigation measures will further reduce the risk of surface water flooding to plots included within the development. The drainage strategy mimics the natural drainage of the site by ensuring surface water discharge rates equivalent to Greenfield and by following the site’s natural drainage direction. This will ensure that there is no increase in flood risk off site as a result of the development. Climate change has also been considered where appropriate.”

14.10 The Local Lead Flood Authority has been consulted. He has advised that he has no objections to the surface water drainage proposals. The applicant will be attenuating surface water within the site up to a 1in100yr rainfall event plus climate change via the use of an attenuation pond and an oversized pipe within the development site. The surface water from the development will leave the site at a restricted rate equivalent to the greenfield run-off rate; this will then discharge via a pipe into the larger suds pond which serves the full Scaffold Hill development.

14.11 A condition is recommended for details of the surface water management scheme to be submitted and agreed.

14.12 Northumbrian Water have been consulted and they have recommended a condition be imposed regarding details of foul and surface water drainage.

14.13 Members need to consider whether the proposed development is acceptable in terms of flood risk.

15.0 Contamination

15.1 Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

15.2 DM5.18 Contaminated and Unstable Land

Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and
- b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:
 - i. Removing the contamination;
 - ii. Treating the contamination;
 - iii. Protecting and/or separating the development from the effects of the contamination;
 - iv. Validation of mitigation measures; and
 - v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission.

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

15.4 Policy DM5.17 states:

Mineral resources and related infrastructure will be managed and safeguarded to meet current and future needs. A contribution to the region's supply needs will be made to ensure an adequate and steady supply of minerals in a way that supports the Borough's social, environmental and economic objectives.

Mineral resources will be safeguarded from other forms of development that would prejudice future mineral extraction. Mineral Safeguarding Areas have been defined for shallow coal, marine and estuarine sand and gravel, basal sand, lower magnesian limestone, and glacial sand and gravel resources in the plan area and their extent is shown on the Policies Map. These resources will be safeguarded from non-mineral development that would needlessly sterilise the resource and prejudice future mineral extraction. Planning permission will not be granted for any form of development within a Mineral Safeguarding Area that is incompatible with safeguarding the mineral unless an assessment is submitted in which the applicant can demonstrate to the satisfaction of the Local Planning Authority:

- i. that the mineral concerned is no longer of any value or potential value; or
- ii. the mineral can be extracted satisfactorily prior to the incompatible development taking place; or
- iii. the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
- iv. there is an overriding need for the incompatible development; or
- v. it constitutes exempt development, namely householder applications; changes of use; infilling in existing built up areas.

15.5 The Contaminated Land Officer has been consulted. She has no objections subject to conditions.

15.6 The Coal Authority has been consulted. They have advised that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. They note that a Geo-Environmental Desk Study has been submitted and they recommend a condition requiring intrusive site investigation works to be undertaken prior to development. These investigations should either confirm, or discount, the presence of the mine entry on the application site, and propose any necessary remedial works and no build zones to address the risks posed by this feature. They consider that an adequate assessment of the coal mining risks associated with this site has been carried out.

15.7 A mineral extraction feasibility study has been submitted. The site is within a Mineral Safeguarding Area and the site has been further identified on the Coal Authority database as being within a Surface Coal Resource Area. Based upon the current value of coal, the maximum values of potentially extractable coal and volumes of overburden required to be excavated and replaced, it is calculated that the shallow coal seams identified beneath the site are not of economic value. Furthermore, the overall economic and enviro-social benefit of the proposed development outweighs the potential loss of the uneconomic resource. The Coal Authority have advised that the submitted report appears to have been informed by an appropriate range of sources of information and they note that the report identifies that significant losses would be incurred for extracting and back filling with none of the shallow seams identified being feasible to extract and replace and that it is calculated that the shallow coal seams identified beneath the site are not of economic value.

15.8 Members need to determine whether the proposed development is acceptable in terms of whether the contaminated land can be appropriately mitigated.

16.0 Other Issues

16.1 The Police Architectural Liaison Officer has no objections to the proposal.

16.2 Policy DM6.7 Archaeological Heritage states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public. The Archaeology Officer has advised no objections and no archaeological work is required.

17.0 S106 Contributions

17.1 The NPPF states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

17.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations makes it unlawful for a planning obligation to be taken into account in determining a planning application, if it does not meet the three tests set out in Regulation 122. This states that a planning obligation may only constitute a reason for granting permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

17.3 The Council's adopted SPD on Planning Obligations LDD8 (2018) states that the planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that the necessary infrastructure facilities are provided to mitigate impacts, ensure enhancements and achieve a high quality environment where people choose to live, work, learn and play.

17.4 The SPD states that the Council will take a robust stance in relation to the requirements for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

17.5 S7.1 General Infrastructure and Funding

17.6 The Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

17.7 The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure. This will include the use of combined and innovative funding schemes to maximise the amount and impact of funding.

17.8 New development may be required to contribute to infrastructure provision to meet the impact of that growth, through the use of planning obligations and other means including the Community Infrastructure Levy (CIL).

17.9 Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and,
- b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable.

17.10 In determining the level of contributions required from a development, regard will be given to the impact on the economic viability of the scheme.

17.11 DM7.2 Development Viability

17.12 The Council is committed to enabling viable and deliverable sustainable development.

17.13 If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this.

17.14 In these circumstances the Council may:

- a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development;
- b. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

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

17.16 DM7.5 Employment and Skills

The Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
 - i. Are related to the proposed development; or,
 - ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

17.17 The applicant has agreed to the following contributions that have been requested by service areas:

- Playsites, equipped: £23,906.84
- Informal areas for play: £ 20,126.84
- Strategic greenspace: £ 6,465.79
- Parks: £ 15,186.32
- Primary education: £ 108,326.84
- Affordable housing at 25% with a 75:25 ratio (rent:intermediate)
- £ 11,052 per annum for Travel Plan delivery & monitoring for the duration of construction and two years post occupation of the development. The payment for the first two years (£22,104) shall be paid on commencement of development; further payments of £ 11,052 per year shall be paid each year thereafter until completion of the development and for two years post completion.
- £ 47,894.74 to contribute to the provision of public transport in the wider area.
- Coastal Mitigation £8,633

17.18 The above have been reported to IPB. It is considered that these contributions are required as a result of the development.

18.0 Financial Considerations

18.1 The proposal involves the creation of 35 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D

Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

18.2 In addition, the units will bring in revenue as a result of Council tax.

18.3 Officers have given weight, amongst all other material considerations, to the benefit accrued to the Council as a result of the monies received from central government.

19.0 Conclusions

19.1 Members need to consider the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy. Members need to consider whether the proposal will impact on existing land uses and residential amenity, whether the occupants of the proposed dwellings will have a suitable level of residential amenity, whether the development would have an acceptable impact on the character of the area, trees, ecology and the highway network.

19.2 It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity, trees, ecology and the highway network. It is considered that the proposal is in compliance with national and Local Plan policy and is recommended for approval subject to a S106 legal agreement and conditions.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate that they are minded to grant this application subject to the conditions set out (or any subsequent amendments, omissions or additional conditions) and to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application following the completion of a Deed of Variation of the original S106 Agreement to secure the following:

- Playsites, equipped: £23,906.84
- Informal areas for play: £ 20,126.84
- Strategic greenspace: £ 6,465.79
- Parks: £15,186.32
- Primary education: £108,326.84
- Affordable housing at 25% with a 75:25 ratio (rent:intermediate)
- £ 11,052 per annum for Travel Plan delivery & monitoring for the duration of construction and two years post occupation of the development. The payment for the first two years (£22,104) shall be paid on commencement of development; further payments of £ 11,052 per year shall be paid each year thereafter until completion of the development and for two years post completion.
- £ 47,894.74 to contribute to the provision of public transport in the wider area.
- Coastal Mitigation: £8,633

The applicant will be required to stop up the highway within the site that is no longer required under Section 247/257 of the Town & Country Planning Act 1990.

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
- Site Location Plan N81:2091 LP-01
- Red Line Plan N81:2091 RL-01
- Illustrative Masterplan N81:2091 SL-01J
- Outline landscape strategy plan 119971/8010/ F
- Country Park Habitat Plan 119971/8011/I
- Composite Plan 119971/8016 D
- Cable Construction Zone plans 119971/8013 B
- Cable Construction Sections 119971/8015 C
- Cable Route detail 119971/8014
- Construction Method Statement Revision 21.11.18
- Existing vegetation retained removed Ref - 119971/8012 REVG

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

2. Approval of the details of the access, scale, layout, appearance and landscaping, hereafter called the "reserved matters" shall be obtained from the Local Planning Authority before any development is commenced.

Reason: That your application is expressed to be an outline application only.

3. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. 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.

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

- | | | | |
|----|---|-------|---|
| 4. | Restrict Hours No Construction Sun BH | HOU00 | * |
| | | 4 | |
| 5. | Contaminated Land Investigation Housing | CON00 | * |
| | | 1 | |
| 6. | Gas Investigate no Development | GAS00 | * |
| | | 6 | |

7. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development hereby approved above damp proof course level details of facilities to be provided for the storage of

refuse, recycling and garden waste for the proposed residential dwelling and a refuse management collection scheme shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheelie bins for all waste types shall be provided in accordance with the approved details, prior to the occupation of the residential dwelling and thereafter permanently retained.

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

8. The details to be submitted pursuant to condition 2 above shall include a scheme for parking and garaging which shall meet the requirements and standards set out in LDD12 (private and visitor parking) and manoeuvring and the loading and unloading of vehicles. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and these areas shall not thereafter be used for any other purpose.

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

9. 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: include tree protection measures for the trees to be retained on adjacent land, identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). There shall be no cabins, storage of plant and materials or parking within the root protection areas of any retained trees. No construction works, cabins, plant or storage or any other operation associated with the construction of the garages or boundary fence should be undertaken on adjacent land to the east of the development site. 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.

10. Notwithstanding the details to be submitted pursuant to condition 2, prior to the occupation of any dwelling hereby approved a scheme for the provision of

secure undercover cycle storage for residential use shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings having regarding policy DM7.4 of the North Tyneside Local Plan (2017).

11. Notwithstanding the details submitted, the reserved matters application shall include a car park management strategy for the site. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety, having regarding policy DM7.4 of the North Tyneside Local Plan (2017).

12. No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the details to be submitted and agreed by the Local Planning Authority.

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

13. Within 3 month(s) of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up in accordance with the details to be approved pursuant to condition 2.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the users of the highway having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

14. Notwithstanding the details submitted, the reserved matters application shall include a scheme to allow appropriate vehicles to turn within the site. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of highway safety, having regarding policy DM7.4 of the North Tyneside Local Plan (2017).

15. Notwithstanding the details submitted, the reserved matters application shall include plans to demonstrate that the existing Public Rights of Way will be retained on their current alignments and widths. Thereafter, these Public Rights of Way shall be retained thereafter.

Reason: In the interests of highway safety and pedestrian permeability having regarding policy DM7.4 of the North Tyneside Local Plan (2017).

16. Notwithstanding the details submitted, the reserved matters application shall include construction details including surface treatments for all existing & proposed Public Rights of Way. Thereafter, Public Rights of Way shall be retained in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety and pedestrian permeability having regarding policy DM7.4 of the North Tyneside Local Plan (2017).

17. Notwithstanding the details submitted, the reserved matters application shall include a detailed design for the 'punaise' roundabout including levels, swept path, details of drainage, surface treatment and a stage 1 road safety audit. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of highway safety, having regard to Policy DM 7.4 of the North Tyneside Local Plan 2017.

18. Notwithstanding the details submitted, the reserved matters application shall include an amendment to section 6.22 of the Travel Plan to include two vouchers for a 1 month 'all zones' pass per household. Thereafter the Travel Plan shall be implemented in accordance with these details and continued thereafter.

Reason: In the interests of promoting sustainable transport, having regard to Policy DM 7.4 of the North Tyneside Local Plan 2017.

19. Notwithstanding the details to be submitted pursuant to condition 2, prior to the construction of the dwelling above ground level a schedule and/or samples of all external and surfacing materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. These details shall include surfacing materials for the garden areas and areas of hardstand. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

20. The development hereby permitted shall include no more than 35 dwellings.

Reason: More dwellings would result in a denser form of development which would adversely affect the character and appearance of the surrounding area.

21. Notwithstanding the details to be submitted pursuant to condition 2, the reserved matters layout must demonstrate compliance with the housing standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017).

Reason: To demonstrate compliance with Policy DM4.9 of the North Tyneside Local Plan (2017).

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

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

23. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any dwelling details of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

24. No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. This scheme shall include details of the SuDS maintenance programme & the SuDS management company. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

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

25. Prior to commencement of the construction of any dwellings, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority in accordance to noise report reference number FH/SH/001 providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014. The approved scheme shall be implemented prior to the occupation of any dwellings and retained thereafter.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings, having regard to Policy DM5.19 of the North Tyneside Local Plan 2017.

26. Prior to commencement of the construction of any dwellings, details of a ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. The approved details shall be implemented in accordance with the approved details prior to the occupation of the dwellings and retained thereafter.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings, having regard to Policy DM5.19 of the North Tyneside Local Plan 2017.

27. The reserved matters shall include noise barrier calculations or modelling and any required mitigation measures to ensure compliance with the world health organisation community noise level of 55 dB whenever possible, and no greater than 59 dB for external garden use. The reserved matters shall include details of the location and heights of any required acoustic fencing to be installed serving the houses and main rear or side gardens facing the A191 and visual landscaped screening and one metre mound with hedge and any other screening. The approved details shall be implemented prior to the occupation of the dwellings and retained thereafter.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings and in the interests of visual amenity, having regard to Policy DM5.19 of the North Tyneside Local Plan 2017.

28. Notwithstanding the details to be submitted pursuant to condition 2, details of the boundary treatments (other than those to be agreed under the reserved matters for the boundary with the A191), shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of dwellings above damp proof course level. Thereafter, these approved details shall be installed prior to the occupation of the dwelling and shall be permanently retained.

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

29. Prior to the commencement of development above ground level, details of the undergrounding of the power lines and timescales for the works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the pylons and electricity wires are moved prior to the occupation of any dwellings and in order to protect biodiversity in the area.

30. The reserved matters shall include details of a scheme of intrusive site investigations. This shall include details of the undertaking of the intrusive site investigations, the submission of a report of findings arising from the intrusive site investigations, the submission of a layout plan which identifies appropriate zones of influence for the mine entry on site, and the definition of suitable 'no-build' zones and a scheme of treatment for the mine entry, if found to be present on the site, for approval. The approved works shall be implemented prior to the construction of any dwellings on the site.

Reason: In the interests of land stability.

31. All construction works and tree protection is to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs.

Reason: To protecting existing vegetation from any disturbance during construction works having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

32. No utilities or drainage should be located within the root protection areas of retained trees or hedgerows on site or on adjacent land. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

Reason: To protecting existing vegetation from any disturbance during construction works having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

33. The reserved matters shall include details of the Sustainable Urban Drainage Systems (SUDS). The approved works shall be implemented prior to the occupation of any dwellings on the site and retained thereafter.

Reason: In order to minimise any risks to aircraft from the drainage works.

34. The reserved matters shall include details of the allotment site including the number, location and layout of the allotments. The details shall include details of the management and operation of the allotment site and its parking provision. The approved allotment area shall be implemented prior to the occupation of any dwellings on the site in accordance with the agreed details.

Reason: In order to ensure an appropriate amount of allotment provision is provided on site.

35. No hedgerows or parts of hedgerows 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 parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority

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

36. Prior to the commencement of development on site, protective fencing is to be erected around each tree or hedge to be retained in accordance with BS5837:2012. 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 or Heras fencing. No site clearance works or the development itself shall be commenced until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority.

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

37. Prior to the commencement of development on site, protective fencing is to be erected around all existing ponds to be retained, in accordance with the 'Pond

Protection Plan' and BS5837:2012. 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 or Heras fencing. No site clearance works or the development itself shall be commenced until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority.

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

38. Details on the protection, enhancement and management of all existing ponds and wetlands within the site and all new ponds and scrapes must be submitted to and approved in writing by the Local authority for approval prior to the commencement of development. The details shall include cross sections to show depths and profiles as well as the landscaping of these features. The development shall be carried out in accordance with the approved details within a timescale to be agreed in writing with the Local Planning Authority.

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

39. Prior to any works starting on site and where works are proposed within the 'Root Protection Area' (RPA) and/or crown spread of a tree, an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' shall be submitted to and approved in writing by the Local Planning Authority in order to demonstrate that the proposed works are practical and can be undertaken without adverse impacts on retained trees. The method Statement is to include the following and the works shall be undertaken in accordance with the approved method statement:

- Details of a tree protection scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved TPP including particulars of fencing and signage.

- Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees (including the removal of existing structures and hard standings).

- Details of construction within the RPA including hard surfaces and/or scaffolding that may impact on the retained trees including the installation of temporary ground protection

- Details of any construction works and methods of installation required within the root protection area as defined by BS5837:2012 which make provision for protection and the long-term retention of the trees for the location of any (and not limited to) underground services, carriage way positions, parking areas and driveways, drainage, lighting, fence posts, installation of kerb lines or any structures within the root protection area and /or specialist foundations. Such areas are to be constructed using a 'No-dig' specification and to include works being undertaken by hand or suitable method such as an air spade along with any necessary ground treatments to deal with compacted areas of soil. Details shall demonstrate that any trenches or excavation works will not cause damage

to the retained trees and /or root systems of the trees. No services shall be dug or laid into the ground other than in accordance with the approved details.

- Details of any changes in ground level, including existing and proposed levels and any retaining structures required within the root protection area as defined by BS5837:2012. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority and the effect they will have on finished levels and finished heights.

- Thereafter all construction and excavation works shall be implemented in accordance with the approved details. Any variation to the approved AMS and TTP should be submitted in writing for approval to the Local Planning Authority.

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

40. All works including demolition, excavations, soil stripping including foundations and the laying of services within the root protection area(RPA) of hedgerows which are to be retained (both inside and outside the protective fence line) are to be excavated by using an air spade.

- Tree roots greater than 25mm diameter should not be cut and worked around and must not be severed unless following approval from the site's Arboricultural Consultant.

- Within the areas so fenced, the existing ground level shall be neither raised nor lowered.

- No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, stockpiling or placing of site cabins or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

- Where large roots are encountered they should be bridged with a curb which can rest on blocks or similar either side of the bridge.

- No fires should be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.

- No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

- A programme for the regular monitoring and compliance by the pre-appointed tree specialist during construction shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any dwelling on site.

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

41. Prior to the commencement of development a contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained.

Cabins, storage of plant and materials, parking are 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. The works shall be undertaken in accordance with the approved details.

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

42. Prior to any works starting on site, full details for the cable installation and pylon dismantling shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

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

43. An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement. A programme for the regular monitoring and compliance by the pre-appointed tree specialist during construction shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.

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

44. The reserve matters for landscaping as required under condition 2 shall include details and proposed timing of all new tree planting and ground preparation noting the species and sizes for all new plant species (Standard trees to be a minimum 12-14cm girth). Details are also to include mitigation for the loss of habitat to the allotments; habitat losses e.g. hedgerow, scrub and wetlands; enhancements to existing wetlands in the LWS; reinstatement of the Local Wildlife site (LWS) and reinstatement works within the construction working zone.

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

45. 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 4428: 1989. 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 interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

46. A 10 year landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling on the site. The management plan is to include long term design objectives,

management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscape management plan is to include survey, monitoring and reporting of Great Crested Newt (GCN) and any new habitats. The management plan shall be implemented in accordance with the approved details.

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

47. All pruning works shall be carried out in full accordance with British Standard 3998: 2010 - Recommendations for Tree Works and in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

48. No development or other operations shall commence on site until detailed plans showing services, drainage on site and off site and lighting that require excavations, which provides for the long term protection of the existing trees on the site and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The layout shall demonstrate that any trenches will not cause damage to the root systems of the trees. Thereafter the services and drainage layout shall be implemented in accordance with the approved details unless approved in writing by the Local Planning Authority. Any excavations within the RPA (for example kerb edging, excavations) are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.

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

49. A detailed lighting strategy must be submitted to and approved in writing by the Local Authority prior to construction works commencing on any dwellings on the site. Lighting must be designed in accordance with Guidance Note 8 "Bats and Artificial Lighting in the UK" produced by BCT & The Institute of Lighting Professionals. This should minimise light spill and any adverse impacts on sensitive habitats within or adjacent to the site. The development shall be carried out in accordance with the approved lighting scheme.

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

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

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

51. A Great Crested Newt Method Statement must be submitted to the Local Planning Authority for approval prior to construction works commencing on site. Details should include the employment of an Ecological Clerk of Works (ECoW) to ensure all works in close proximity to the pond within the Local Wildlife Site

(LWS) are undertaken in accordance with this document and the Pond Protection Plan.

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

52. Details of hibernacula to be provided within the site must be submitted to the Local Planning Authority for approval prior to construction works commencing on site. Details must include the number, specification and location of hibernacula and the timing of their installation. The details shall be implemented in accordance with the approved details.

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

53. 12no. bat bricks shall be installed in new dwellings located along the southern edge of the development. Bat bricks will be installed at the level of the gutter (where there is unimpeded flight access to and from the bat roost entrance). Details of these bat bricks and their specification, locations and timing of installation must be submitted to the Local Planning Authority for approval prior to works commencing on any dwellings on the site. The development shall be carried out in accordance with the approved details.

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

54. A total of 6no. Schwegler 1B and 4no. Schwegler 3S nest boxes or equivalent will be fixed to retained trees or to the walls of new dwellings. Details of bird box specification, locations and timing of installation must be submitted in writing to the Local Planning Authority for approval prior to works commencing on any dwellings on the site. The development shall be carried out in accordance with the approved details.

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

55. A Badger checking survey must be undertaken and submitted in writing to the Local Planning Authority for approval prior to works commencing on site. The development shall be carried out in accordance with the approved details.

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

56. Prior to any use of a crane on the site a crane method statement shall be submitted to and approved in writing by the Local Planning Authority. This should set out the following and development shall only be carried out in accordance with the approved scheme:

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid;
- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD (see Note below);

- The type of crane/equipment (e.g. Tower Crane, Mobile Crane, etc.);
- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;
- The intended dates and times of operation;
- Applicant's name and contact details.
- Proposed obstacle lighting to be installed.

Reason: The development site is located close to the Airports 'approach and take-off protected obstacles limitation surface. Therefore use of cranes during construction could present a collision hazard and/or impact on the Airport protected obstacle limitation surfaces.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Building Regulations Required (I03)

Advice All Works Within Applicants Land (I29)

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

Highway Inspection before dvlpt (I46)

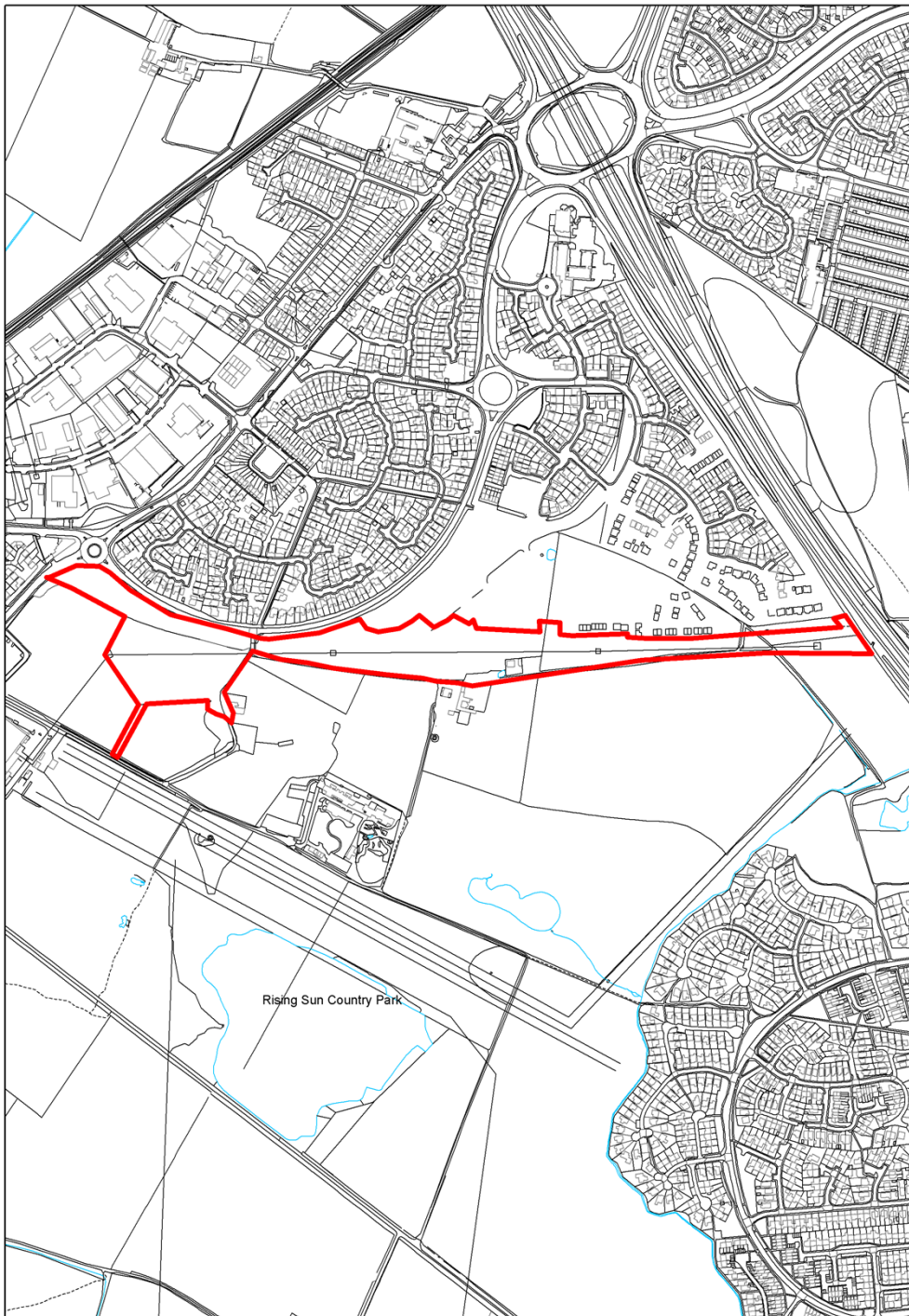
Section 106 - PAYEE (I49)

Street Naming and numbering (I45)

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development. Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

The development hereby approved lies within close proximity to the designated and well-established flightpath from Newcastle International Airport. The airport operates unrestricted, flying 365 days per year, 24 hours per day. The site is also a co-opted military airfield and therefore unrestrictedly accepts military aircraft.

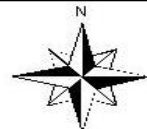


Application reference: 19/00669/OUT
Location: Scaffold Hill Farm, Whitley Road, Benton
Proposal: Outline application for up to 35 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments (resubmission)

Not to scale

Date: 25.07.2019

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**Appendix 1 – 19/00669/OUT
Item 1**

Consultations/representations

1.0 Internal Consultees

2.0 Highway Network Manager

2.1 This is an outline application for up to 35 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments. It is a resubmission of application number 18/00081/OUT which was refused by planning committee in December 2018.

2.2 All matters are reserved and the site is adjacent to the previously agreed application for 460 dwellings (15/00945/FUL). A Transport Statement (TS) & Travel Plan (TP) have been included as part of application and it is considered that promotion of sustainable measures rather than additional highway improvements are more appropriate given the amount of improvements to the network being carried out as part of other developments in the area. Conditional approval is recommended.

2.3 Recommendation - Conditional Approval

The applicant will be required to enter into a Section 106 Agreement for £11,052 per annum for Travel Plan delivery & monitoring for the duration of construction and two years post occupation of the development. The payment for the first two years (£22,104) shall be paid on commencement of development; further payments of £11,052 per year shall be paid each year thereafter until completion of the development and for two years post completion.

The applicant will be required to enter into a Section 106 Agreement for £47,894.74 to contribute to the provision of public transport in the wider area.

The applicant will be required to stop up the highway within the site that is no longer required under Section 247/257 of the Town & Country Planning Act 1990.

Conditions:

ACC08 - New Access: Access before Devel (OUT)
ACC16 - Exist Access Closure By (OUT) (*6 Months)
ACC24 - Turning Areas: Laid out before Occ (OUT)
PAR03 - Veh: Parking, Garaging, Loading (OUT)
REF01 - Refuse Storage: Detail, Provide Before Occ
SIT07 - Construction Method Statement (Major)
SIT08 - Wheel wash

Notwithstanding the details submitted, the reserved matters application shall include a detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the reserved matters application shall include a car park management strategy for the site. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the reserved matters application shall include scheme for secure undercover cycle parking. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of promoting sustainable transport.

Notwithstanding the details submitted, the reserved matters application shall include a scheme to allow appropriate vehicles to turn within the site. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the reserved matters application shall include plans to demonstrate that the existing Public Rights of Way will be retained on their current alignments and widths. Thereafter, these Public Rights of Way shall be retained thereafter.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the reserved matters application shall include construction details including surface treatments for all existing & proposed Public Rights of Way. Thereafter, Public Rights of Way shall be retained in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the reserved matters application shall include a detailed design for the 'punaise' roundabout including levels, swept path, details of drainage, surface treatment and a stage 1 road safety audit. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the reserved matters application shall include an amendment to , section 6.22 of the Travel Plan to include two vouchers for a 1 month 'all zones' pass per household. Thereafter the Travel Plan shall be implemented in accordance with these details and continued thereafter.

Reason: In the interests of promoting sustainable transport.

Informatives:

- I05 - Contact ERH: Construct Highway Access
- I07 - Contact ERH: Footpath/Bridleway X's Site
- I08 - Contact ERH: Works to footway.
- I10 - No Doors/Gates to Project over Highways
- I13 - Don't obstruct Highway, Build Materials

145 - Street Naming & Numbering
146 - Highway Inspection before dv/pt

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

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

2.4 Local Lead Flood Officer

2.5 I can confirm I have no objections to the surface water drainage proposals, the applicant will be attenuating surface water within the site up to a 1in100yr rainfall event plus climate change via the use of an attenuation pond and an oversized pipe within the development site. The surface water from the development will leave the site at a restricted rate of 7.9l/s which is equivalent to the greenfield run-off rate; this will then discharge via a pipe into the larger suds pond which serves the full Scaffold Hill development.

2.6 I would recommend that a condition is placed on the application relating to the future maintenance of the suds pond is provided prior to the commencement of the development.

3.0 Biodiversity Officer and Landscape Architect

3.1 An application has been re-submitted for the above site. The original application (18/00081/OUT) was for 38 dwellings in the same location.

3.2 In addition to existing information re-submitted from application 18/00081/OUT, the following new documents have been submitted to support the current application:-

- Illustrative Masterplan
- Landscaping Plans
- Planning Statement Addendum
- Addendum DAS Document
- Landscape & Technical Note
- FRA & Drainage Strategy
- Ecological Assessment

3.3 The re-submitted application has not fundamentally changed. The scheme has been reduced from 38 dwellings to 35 and this appears to have resulted in a slightly amended layout which appears to show some additional landscaping along the western end of the scheme.

3.4 The Ecological Assessment has also been updated. The pond located within the Local Wildlife Site (LWS), which had not been previously surveyed for great crested newt (GCN), has been surveyed in 2019. The survey recorded no evidence of great crested newt, however, palmate and smooth newt were recorded along with common frog and common toad.

3.5 There are no objections to this application subject to the following conditions being attached to the application:-

Tree and Hedgerow Protection

No hedgerows or parts of hedgerows 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 parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority.

Protection of Hedgerow by fencing

Prior to the commencement on site, protective fencing is to be erected around each tree or hedge to be retained in accordance with BS5837:2012. 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 or Heras fencing. No site clearance works or the development itself shall be commenced until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

Protection of ponds by fencing

Prior to the commencement on site, protective fencing is to be erected around all existing ponds to be retained, in accordance with the 'Pond Protection Plan' and BS5837:2012. 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 or Heras fencing. No site clearance works or the development itself shall be commenced until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

Pond Protection

Details on the protection, enhancement and management of all existing ponds and wetlands within the site must be submitted to the Local authority for approval prior to works commencing on site. In addition, details of all new ponds and scrapes must also be submitted, including cross sections to show depths and profiles as well as the landscaping of these features.

Arboricultural Method Statement

Prior to any works starting on site and where works are proposed within the 'Root Protection Area' (RPA) and/or crown spread of a tree, an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' will be required in order to demonstrate that the proposed works are practical and can be undertaken without adverse impacts on retained trees. The method Statement is to include the following:

- Details of a tree protection scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved TPP including particulars of fencing and signage.
- Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees (including the removal of existing structures and hard standings).
- Details of construction within the RPA including hard surfaces and/or scaffolding that may impact on the retained trees including the installation of temporary ground protection
- Details of any construction works and methods of installation required within the root protection area as defined by BS5837:2012 which make provision for protection and the long-term retention of the trees for the location of any (and not limited to) underground services, carriage way positions, parking areas and driveways, drainage, lighting, fence posts, installation of kerb lines or any structures within the root protection area and /or specialist foundations. Such areas are to be constructed using a 'No-dig' specification and to include works being undertaken by hand or suitable method such as an air spade along with any necessary ground treatments to deal with compacted areas of soil. Details shall demonstrate that any trenches or excavation works will not cause damage to the retained trees and /or root systems of the trees. No services shall be dug or laid into the ground other than in accordance with the approved details.
- Details of any changes in ground level, including existing and proposed levels and any retaining structures required within the root protection area as defined by BS5837:2012. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. and the effect they will have on finished levels and finished heights.
- Thereafter all construction and excavation works shall be implemented in accordance with the approved details. Any variation to the approved AMS and TTP should be submitted in writing for approval.

Implementation of Tree Protection during development

All works including demolition, excavations, soil stripping including foundations and the laying of services within the RPA of hedgerows which are to be retained (both inside and outside the protective fence line) are to be excavated by using an air spade.

- Tree roots greater than 25mm diameter should not be cut and worked around and must not be severed unless following approval from the sites Arboricultural Consultant.
- Within the areas so fenced, the existing ground level shall be neither raised nor lowered.

- No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, stockpiling or placing of site cabins or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- Where large roots are encountered they should be bridged with a curb which can rest on blocks or similar either side of the bridge.
- No fires should be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.
- No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

Construction Method Statement

The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are 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

Construction Method Statement:

Prior to any works starting on site, full details for the cable installation and pylon dismantling is to be submitted for approval.

Arboricultural supervision

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement. 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 tree specialist during construction

Landscape Plan

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 include details and proposed timing of all new tree and wildflower planting and ground preparation noting the species and sizes for all new plant species (Standard trees to be a minimum 12-14cm girth). Details are also to include mitigation for the loss of habitat to the allotments (this will include enhancement of an existing horse grazing field to be managed for biodiversity); habitat losses e.g. hedgerow, scrub and wetlands;

enhancements to existing wetlands in the LWS; reinstatement of the Local Wildlife Site (LWS) and reinstatement works within the construction working zone.

Landscape Implementation

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 4428: 1989. 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.

Landscape/Ecological Management Plan

A 10 year landscape management plan is to be submitted for approval. The management plan is to include 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. The landscape management plan is to include survey, monitoring and reporting of Great Crested Newt (GCN) and any new habitats. The management plan shall be implemented in accordance with the approved details.

Tree Pruning Works

All pruning works shall be carried out in full accordance with British Standard 3998: 2010 - Recommendations for Tree Works. Details to be submitted for approval.

Protection of trees and hedgerows in relation to drainage

No development or other operations shall commence on site until detailed plan showing services, drainage on site and off site and lighting that require excavations, which provides for the long term protection of the existing trees on the site and adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The layout shall demonstrate that any trenches will not cause damage to the root systems of the trees. Thereafter the services and drainage layout shall be implemented in accordance with the approved details unless approved in writing by the Local Planning Authority. Any excavations within the RPA (for example kerb edging, excavations) are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.

Lighting Strategy

A detailed lighting strategy must be submitted to the Local Authority for approval prior to construction works commencing on site. Lighting must be designed in accordance with Guidance Note 8 "Bats and Artificial Lighting in the UK" produced by BCT & The Institute of Lighting Professionals. This should minimise light spill and any adverse impacts on sensitive habitats within or adjacent to the site.

Bird nesting Season

No vegetation removal will 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

Great Crested Newt Method Statement

A Great Crested Newt Method Statement must be submitted to the Local Authority for approval prior to construction works commencing on site. Details should include the employment of an Ecological Clerk of Works (ECoW) to ensure all works in close proximity to the pond within the LWS are undertaken in accordance with this document and the Pond Protection Plan.

Hibernacula

Details of hibernacula to be provided within the site must be submitted to the Local Authority for approval prior to construction works commencing on site. Details must include the number, specification and location of hibernacula and the timing of their installation.

Bats

12no. bat bricks will be installed in new dwellings located along the southern edge of the development. Bat bricks will be installed at the level of the gutter (where there is unimpeded flight access to and from the bat roost entrance). Details of bat brick specification, locations and timing of installation must be submitted to the Local Authority for approval within 4 weeks of works commencing on site.

Bird box installations

A total of 6no. Schwegler 1B and 4no. Schwegler 3S nest boxes or equivalent will be fixed to retained trees or to the walls of new dwellings. Details of bird box specification, locations and timing of installation must be submitted to the Local Authority for approval within 4 weeks of works commencing on site.

Badger checking survey

A Badger checking survey must be undertaken and submitted to the Local Authority for approval prior to works commencing on site.

4.0 Environmental Health (Contamination)

4.1 The site lies within 250m of known landfills and unknown filled ground. Due to the proposed sensitive end use the following must be attached:

Con 001

Con 006

5.0 Environmental Health (Pollution)

5.1 I have concerns with regard to potential noise from the A191 Holystone Way.

5.2 I have viewed the air quality report which has considered a construction dust assessment only. It is noted that for the size of development a full air quality assessment was not required, but that previous air quality assessment for an application for 460 residential units on the adjoining site concluded that the proposed development would result in a negligible impact. It is therefore

considered that the proposed development for residential units would not contribute to result in having a significant adverse impact on air quality in this area.

5.3 I have viewed the noise assessment which has modelled the equivalent daytime 1st floor facade noise levels at the proposed residential units for those closest to the road, based on noise monitoring carried out at one monitoring location next to the A191. The modelled noise levels across the development site at first floor level are in the region of between 65 to 70 as shown in Figure 4. The daytime noise levels for internal spaces should aim for a level of 35 dB and night time of 30dB in accordance to BS8233. This will mean that residents in the proposed new houses will need to keep windows closed and to be provided with a ventilation scheme that is able to be adjusted to cope with warm weather to enjoy a reasonable internal noise level. I would however suggest that a ventilation scheme that allows for whole house ventilation is provided.

5.4 The consultant has shown that internal noise levels can be achieved that will meet the requirements of BS8233, if an appropriate acoustic glazing and ventilation is provided. I note that the noise assessment outlines that the night time noise levels from traffic drop by at least 10 dB.

5.5 I have viewed the indicative layout plan and note that gardens for the western part of the site are facing onto the A191. I have concerns that the external noise levels for gardens in the western part of the site will not meet the world health organisation community noise level for outdoor spaces of 55dB. The external noise level for amenity use of gardens facing the A191, even with mitigation measures specified within the noise report consisting of 2.0 metre, 2.5 metre and 3.5 metre high barriers as identified in Figure 5 of the noise report indicates that noise levels will exceed the world health organisation community noise level for outdoor spaces of 55dB, for plots 001-006 and 013-014, which is a trigger for causing serious annoyance. The external noise levels in gardens facing the A191 for proposed houses range from 57 to 59 dB. I would suggest that this will cause an adverse impact on residential houses and households should not be exposed to adverse impacts and is contrary to the national planning policy framework to avoid noise from giving rise to significant adverse impacts. I would suggest that where possible houses are orientated so that gardens are screened by the buildings to mitigate against road traffic noise.

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

Prior to development submit and implement on approval of the local Planning Authority a noise scheme in accordance to noise report reference number FH/SH/001 providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels

specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

The details of location and heights of minimum 2.0, 2.5 and 3.5 metre overlapping acoustic fencing to be installed serving the houses and gardens facing the A191 must be submitted for approval and thereafter installed prior to occupation of houses. This must be supported by appropriate barrier calculations or modelling to ensure compliance with the world health organisation community noise level of 55 dB whenever possible, and no greater than 59 dB for external garden use.

SIT03

HOU04

6.0 Design Officer

6.1 The design and layout links in well with the approved scheme to the north of the site and largely provides a positive development edge with units overlooking the Country Park. This is further complimented by the existing hedgerow which is to be retained and enhanced and will form a landscape buffer between the development and the Country Park.

6.2 Plots 1 – 10 overlook the site entrance and contribute towards creating a distinctive point of entry. Movement around the site works well for pedestrians and vehicles. On-plot parking does dominate the street scene in places where there is high density development.

6.3 Scaffold Hill Farm is located to the south of the site and is an undesignated heritage asset which has some significance and contributes towards the character and appearance of the area. To mitigate the impact of the proposed development on Scaffold Hill Farm, the scheme includes a small green buffer which is considered to be acceptable but not ideal. The highway nearest the Farm is overly engineered and should be less formal in this location. This could be addressed during the reserved matters application.

6.4 On balance I am supportive of this application and it is considered that the remaining concerns can be addressed during the detailed design in the reserved matters application.

7.0 Representations

8.0 Holystone Action Group

8.1 This revised application does nothing to address the concerns about road safety - especially for pedestrians, mothers with buggies, horses and cycles - at Crossing Point 3. This was one of the main reasons for the previous application's refusal in December 2018. The route across Crossing Point 3 is used by residents of the existing Holystone estate to access the Rising Sun Country Park.

The crossing point is on a blind bend with only very limited visibility from the Holystone side towards the Wheatsheaf Public House. The central reservation has no protective barriers to protect pedestrians should a vehicle mount the central reservation. The central reservation is not wide enough for a horse, unless it was manoeuvred to stand sideways and this is a crossing point for horses as evidenced by a previous submission from the Horse Society and also the fact that the pedestrian gate on the RSCP side of the road is a horse-rider-friendly lifting catch. The central reservation is also not wide enough for a mother to stand behind a buggy - she would have to stand next to the buggy or manoeuvre the buggy to be sideways. The Technical Note Landscape and Transport mentions in Section 4 that only a small number of residents use this crossing point. I contest that assertion due to a) there being over 400 homes in the existing Holystone estate and more in Holystone village, and b) my own local knowledge as a resident of Holystone, and it is clear more residents would use this crossing point if it was a safe crossing, which it absolutely is not. I would challenge anyone who declares this point to be safe to meet me there and bring along their young family.

9.0

1 letter of objection:

- Strongly oppose this latest application.
- Roads are already not at breaking point, but broken.
- Wildlife has been ruined.
- Please keep some green space.

10.0 External Consultees

11.0 Tyne and Wear Archaeology Officer

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

12.0 Highways Agency

12.1 Having considered the application details and being mindful of Highway England's response to the previous outline application (18/00081/OUT) for the same site, we are content that the proposed decrease in housing numbers does not result in a material change in flow at the Strategic Road Network. No objection.

13.0 Northumbrian Water

13.1 The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

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

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

How to Satisfy the Condition

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a point of connection enquiry directly to us.

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

For information only

We can inform you that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site.

14.0 Natural England

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

14.2 Northumberland and North Tyneside Councils operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone. Subject to appropriate mitigation being secured in line with the details of this Service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

14.3 Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority,

as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

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

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

Advice given on other natural environment issues.

15.0 Northern Gas Networks

No objections.

16.0 The Coal Authority

16.1 We have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

16.2 The Coal Authority records indicate that there is a mine entry and its zone of influence, within, or within 20m of the site boundary.

16.3 The planning application is accompanied by a Geo-Environmental Desk Study, dated August 2010, prepared by Fairhurst. It is noted that this report was prepared for a wider development of which the current application site forms part of. The Report has been informed by an appropriate range of sources of information.

16.4 In addition to the above, the applicant has also submitted a Mineral Extraction Feasibility Study, dated January 2018 also prepared by Fairhurst where the report authors concludes that having considered all the information relative to surface coal / coal extraction, the overall economic and enviro-social benefit of the proposed development outweighs the potential loss of the resource.

16.5 The Coal Authority were consulted on a previous planning application for this current site: 18/00081/OUT - Outline application for up to 44 dwellings

incorporating the undergrounding of overhead power cables and re-provision of allotments where the same Reports were submitted.

16.6 The Coal Authority raised no objections to the outline consent based on the recommendations made by the report author that intrusive site investigations are undertaken in order to establish the exact situation in respect of coal mining legacy issues. We identified that these investigations should either confirm, or discount, the presence of the mine entry on the application site, and propose any necessary remedial works and no build zones to address the risks posed by this feature. The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

16.7 As no ground investigations would appear to have been undertaken, our comments for this current proposal are predominantly the same; no objection subject to the imposition of a planning condition(s) to secure the recommended site investigations.

16.8 The Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out. Therefore, in order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is safe and stable for the development proposed you may wish to consider the imposition of planning conditions, which cover the issues set out below:

16.9 A condition should therefore require prior to the submission of the reserved matters:

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of the intrusive investigations;
- As part of the reserved matters application the submission of a report of findings arising from the intrusive site investigations;
- As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entry on site, and the definition of suitable no-build' zones;
- As part of the reserved matters application the submission of a scheme of treatment for the mine entry, if found to be present on the site, for approval;
- A condition should also require prior to the commencement of development:
- Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and

stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework

17.0 Northumbria Police Architectural Liaison Officer

17.1 I can find no grounds on which to object to it and on looking at the changes to the layout think it is a positive move. The reduction in the numbers, although small, also in my opinion help with this application.

17.2 Therefore Northumbria Police have no objections to it progressing and at this stage have no further comments to make.

18.0 Newcastle Airport

18.1 Noise: the site is not within the Airport's most recent noise contours, which model the potential noise impact for aircraft operating from the Airport up to 2035. Therefore it is not expected that noise levels will be above a level which will result in significant community annoyance.

18.2 However, aircraft flying overhead will be audible. The Airport already receives noise complaints from across North Tyneside, and therefore NIAL requests that the below informative is added to a grant of planning permission, in order to make clear the existing aircraft operations which would impact the site.

18.3 The development hereby approved lies within close proximity to the designated and well-established flightpath from Newcastle International Airport. The airport operates unrestricted flying 365 days per year, 24 hours per day. The site is also a co-opted military airfield and therefore unrestrictedly accepts military aircraft. Properties contained with the development will be exposed to aircraft noise.

18.4 Planning Policy

18.5 Paragraph 123 of NPPF states that planning policies and decisions should aim to recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. This is especially relevant as NIAL wants to avoid development without suitable mitigation being approved too close to the Airport and its approach paths which would restrict development of the Airport as an existing business. The Masterplan and noise contours are the expression of future growth plans in terms of an expanded flight program at the Airport. Noise would therefore need to be considered in relation to current and future operations at the Airport.

18.6 Consideration should also be given to policy DM5.19 of the North Tyneside Local Plan, which states that "Proposals for development should have regard to the noise impacts arising from the Newcastle International Airport flight path as shown on the Policies Map.

18.7 Lighting

18.8 The Airport expects that all lighting be fully cut off so as to eliminate any vertical light spill into the atmosphere, which could act as a distraction for pilots

on approach or departing the Airport. There is also a risk that lighting, if set out in certain patterns, could be confused as operational lighting to pilots, especially in poor visibility. Therefore any details of permanent or temporary lighting (i.e. for construction) to be installed, which the applicant believes may distract pilots are to be consulted and approved by NIAL. This should also be conditioned as part of the planning permission.

18.9 Cranes

18.10 The development site is located close to the Airports 'approach and take-off protected obstacles limitation surface. Therefore use of cranes during construction could present a collision hazard and/or impact on the Airport protected obstacle limitation surfaces. The use of any crane or construction equipment above 45m in height would penetrate the surface and would require an operator's licence and the issuing of a notice to airmen for the duration of the construction period. It would also need to be fitted with medium intensity lighting. If a crane or other construction equipment is required above 45m in height above ground, it is requested that the jib is only in the raised position during use, the Airport's air traffic control service is informed before use, should be fitted with low intensity lighting, and work should cease during poor visibility and cloud ceilings.

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

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid;
- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD (see Note below);
- The type of crane/equipment (e.g. Tower Crane, Mobile Crane, etc.);
- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;
- The intended dates and times of operation;
- Applicant's name and contact details.
- Proposed obstacle lighting to be installed.

18.12 Cranes used during operation may be a physical hazard to airlines, as well as potentially impacting on protected navigational surfaces. In order to assess this, NIAL require the ground height of the site and an indication from the developer what the maximum height of the cranes will be.

18.13 Landscaping

18.14 Certain types of landscaping can be bird attracting, providing a habitat/feeding source for birds with the potential to result in an increase in bird strike incidences. Berry bearing species should make up no greater than 10% of the planting schedule to ensure there is no increased risk of bird strikes with aircraft operating from the Airport. The following species should not be used on site in quantities greater than 10%, in order to prevent the creation of bird attracting features on site:

Berberis spp Barberry	Ilex aquifolium Holly
Cotoneaster	Sorbus aucuparia Rowan
Crataegus monogyna Hawthorn	Viburnum
Aucuba	Buddleia ¹
Prunus avium Wild Cherry	Pernettya Prickly Heath
Callicarpa Beauty Berry	Pyracantha Firethorn
Chaenomeles Japonica	Rhus Sumac
Clerodendrum	Ribes Ornamental Currant
Danae Butcher's Broom	Rosa canina Dog Rose
Daphne	Sambucus nigra Elder
Euonymus Spindle	Skimmia
Hypericum St John's Wort	Stransvaesia
Lonicera Honeysuckle	Symphoricarpus Snowberry
Mahonia	Taxus Yew
Malus Crab Apple	

18.15 NIAL would require a planting schedule to be conditioned as part of any future planning application decisions, which would confirm further information on the percentage mix of species on the site to determine the volume of bird attracting species.

18.16 The grouping of trees in certain arrangements can also provide a roosting habitat for species such as starlings, which can be especially hazardous to aircraft owing to the density of flocks. Therefore confirmed specific details of tree species to be planted will be required also, these are also to be conditioned at the planning decision stage.

18.17 Any on-site skips containing source of foods for birds, including soil, should also be covered.

18.18 Bird Hazard Management Plan (BHMP)

18.19 Given the proximity of the site to flightpaths, NIAL require written assurances that the Bird Hazard Management Plan (BHMP) dated 22/07/19 (file reference 7659.01_R_C9_sb_210716) would be adhered to for the land outlined within this application throughout the construction period and the lifetime of the development, and NIAL request written confirmation that this BHMP is to cover the SUDS and landscaping proposals outlined within this application.

18.20 SUDS ponds and wetlands

18.21 There is a general presumption against the creation of open water bodies within 13 km of an aerodrome, which in relation to this scheme is NIAL. This is due to the increased likelihood of bird strike as a result of habitat formation within

close proximity to the flight path, when aircraft are typically flying at lower level having departed or preparing for arrival at the aerodrome.

18.22 For any SUDS/basins that are only to be wet during time of flood, it is expected that it will drain rapidly (not more than 2 days). It is also expected that water pooling is avoided during construction. NIAL would like to know how often there would be an area of standing water. Any proposed wetland/pond/drainage areas are to be fully planted and netted in the interim whilst vegetation is established. The risk to aircraft through increased bird activity from wetland areas should also be considered in the BHMP. To discourage pooled water attracting hazardous bird species, NIAL expects any standing water to be removed in under 48 hours. These bird strike hazard mitigations are to be conditioned as part of any future planning decisions associated with this application.

18.23 Renewable energy

18.24 NIAL would require information relating to any photovoltaic cells or micro wind turbines proposed for the development.