

**Item No:** 5.1  
**Application No:** 15/01144/FUL  
**Date valid:** 8 July 2015  
**Target decision date:** 7 October 2015  
**Author:** Maxine Ingram  
**☎:** 0191 643 6322  
**Ward:** Benton

Application type: full planning application

**Location: Darsley Park, Whitley Road, Benton, NEWCASTLE UPON TYNE,**

**Proposal: Proposed residential development of 71no. dwellings with associated estate roads, external works drainage and landscaping (Revised plans received 03.09.15) (Amended Layout Plan received 21.09.15).**

Applicant: Taylor Wimpey (NE) Ltd, FAO Mr Chris Parkin North House  
Wessington Way Sunderland Tyne And Wear SR5 3RL

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

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

**1.0 This application has been deferred to provide further information on the traffic impacts as a result of this development. The changes to the recommendation report are set out in bold.**

#### 2.0 Main Issues

2.1 The main issues in this case are;

- Whether the principle of residential development is acceptable on this site.
- The impact of the proposal upon the character and appearance of the surrounding area.
- The impact of the proposal upon neighbouring residents with particular regard to privacy and outlook.
- Whether sufficient car parking and access would be provided.

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

#### 3.0 Description of the Site

3.1 The application site is an area of unkempt grassland on the southern side of Whitley Road, Benton. The site is set approximately 0.3m below the level of the footpath along Whitley Road. Mature trees are sited around the perimeter of the site. The site measures approximately 2.87 ha in area. To the north of the site

are a mixture of 2 storey detached and semi detached dwellings and further along the road to the west are dormer bungalows. To the east is the East Coast Mainline beyond which is a small industrial area. To the south of the site is the Newcastle United Football Club Training Ground. A public bridleway to the south of the site connects the A191 to Station Road and crosses the railway line over a bridge.

#### 4.0 Description of the proposed development

4.1 The proposal seeks full planning permission for residential development of 71 dwellings with associated estate roads, external works, drainage and landscaping. The development will provide a mixture of 2, 3, 4 and 5 bedroom houses. The majority of the houses are two storeys and a number of the houses are 2.5 storeys. Access to the development is taking direct from the A191 (Whitley Road).

4.2 The following supporting documents have been submitted:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Site Waste Management Plan
- Flood Risk Assessment (FRA) (August 2015)
- Landscape and Visual Appraisal
- Transport Assessment and Interim Travel Plan
- Air Quality Assessment
- Phase 2 Geo Environmental Assessment
- Arboricultural Constraints Assessment
- Archaeology Desk Bases Assessment
- Noise and Vibration Assessment
- Ecological Appraisal and Bird Breeding Survey

#### 5.0 Relevant Planning History

75/01341/FUL – Building of two squash courts - Permitted 09.10.75.

92/00267/FUL – Installation of a 2m high fencing approximately 320m to one boundary of property - Permitted 10.04.92.

00/01112/FUL – Housing development of 89 dwellings (59 houses and 30 apartments) on disused pitch north of the existing sports and social club.

Alterations and extensions to existing sports hall to provide health and fitness facilities - Refused 06.07.01.

01/01878/FUL - Conversion of existing sports facilities and pitches into a Sports Academy with erection of indoor sports playing area - Withdrawn 03.05.02.

02/01168/FUL – Sports Club with 7 associated all-weather pitches, associated car parking, landscaping and reinstatement of community pitches to site frontage- Permitted 16.07.04.

05/00390/TPO – Removal of trees within group G6, Darsley Park TPO, 2001 and replace in another location of the site - Refused 12.04.05.

#### 6.0 Development Plan

6.1 North Tyneside Unitary Development Plan (adopted March 2002).

Direction from Secretary of State under paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP.

### 7.0 Government Policy

7.1 National Planning Policy Framework (March 2012).

7.2 National Planning Policy Guidance (March 2014).

7.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in the determination of this application. It requires local planning authorities 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 National Planning policy Framework.

## **PLANNING OFFICERS REPORT**

### 8.0 Main Issues

8.1 The main issues in this case are;

- Whether the principle of residential development is acceptable on this site, including the loss of open space;
- The impact of the proposal upon the character and appearance of the surrounding area;
- The impact upon neighbouring living conditions with particular regard to outlook and privacy;
- The impact on the highway network, parking provision and access;
- The impact on ecology; and
- Other issues.

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

### 9.0 Principle

9.1 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development.

9.2 NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth to enable the delivery of sustainable developments.

9.3 In relation to housing, NPPF states that the Government's key 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 five year supply of housing, plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been persistent under delivery, the buffer should be increased to 20%.

9.4 The development plan is out of date. The North Tyneside Unitary Development Plan was adopted in March 2002, over 13 years ago. The plan period ran until 2006 and we are now significantly (8 years) beyond this. Following the advice in paragraph 14 of NPPF it states that where the development is out of date, the presumption is that planning permission should be granted, unless any adverse effects of doing so would significantly and demonstrably outweigh, when assessed against policies in the NPPF taken as a whole or specific in the Framework indicate that development should be restricted.

9.5 The application site is used as grazing land and does not fall within the definition of previously developed land according to Annex 2 of NPPF.

9.6 When assessed against Policy H5 this proposal fails the first criterion. However, it is located within the existing built environment and Members are advised that whilst the NPPF 'encourages' the use of previously developed land, this is not a prerequisite.

9.7 The site is identified within the Council's Strategic Housing Land Availability Assessment (2015/16) as a potential site being able to deliver housing within the next five years. The Council's **Local Plan Pre-Submission Draft 2015, endorsed by Full Council in October 2015**, includes this site as a potential site to meet future housing requirements. **It is anticipated that all the proposed 71 homes could be delivered within the next 5 years if planning permission were granted for the development.**

9.8 Members must determine whether or not the principle of residential development on this site is acceptable. The proposed development site is located in an area that lies within close proximity to local amenities and existing public transport services. Officer advice is that the principle of residential development on the site is acceptable subject to any harm arising from the development in terms of the loss of green space, layout and impact on amenity which will be assessed in the latter parts of this report. This proposal for new housing accords with the Government's objectives, as set out in the NPPF, and should be considered on the basis of the presumption in favour of sustainable development.

#### 9.9 Playing Field

9.10 Paragraph 74 at National Planning Policy Framework (NPPF) states that existing open space, sports and recreational buildings and land, including playing fields should not be built upon unless amongst other matters an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.

9.11 UDP Policy R2/1 states land shown on the proposals map for the purpose of open space will be retained in its present use.

9.12 UDP Policy R2/2 states that development of land shown on the proposals map will not be permitted where this will either result in a reduction of the open nature of the land, where this causes a significant loss of local amenity, result in

insufficient provision for informal recreation in the locality or adversely affect the environment or adjoining land uses.

9.13 UDP Policy R2/3 states that development shown on the proposals map for the purpose of open space use and used or recently used for formal recreation or sport will not be permitted unless under certain circumstances.

9.14 UDP Policy R2/4 states that recreation corridors shown on the proposals map will be protected for that purpose by ensuring that no development is approved which would prejudice their accessibility and intended use.

9.15 The application site falls within a wider playing field designation which encompasses Darsley Park Sports Club (Newcastle United Training facility) and the adjacent Blue Flames Sports Club. Whilst the site falls within this wider designation consideration must be given to the fact that the site has not functioned as any formal or informal open space for some considerable period of time. The applicant has advised that the land was last used for sporting and recreational purposes by the Longbenton DSS hockey team in approximately 2000. This is some 15 years ago and also pre-dates the adoption of the Council's UDP. It is acknowledged that the DSCC Cricket Club states that they last used it they have been displaced from the site since 2001.

9.16 This Greenfield site is currently used as grazing land. Furthermore, the site is fenced off with no public access since its sports pitch used ceased. It is clear that this site has not been available for any public usage. Officers remain of the view that the site is inaccessible and unused except as grazing land and therefore cannot be considered as local amenity for informal recreation in the locality. The site is neither used nor accessible for open space purposes and therefore the proposal cannot be considered contrary to policy R2/1.

9.17 In terms of UDP policy R2/2, the proposal would result in a reduction in the open nature of the land. However, the site is part of a much larger area used for sport and recreation and therefore it is considered that it would not cause a significant loss of local amenity. The proposal would also not adversely affect the environment or adjoining land uses. Given that the site is inaccessible and unused, it is considered that it does not currently contribute to the areas open space provision. Its loss therefore would not affect the amount of open space within this area.

9.18 There is no legal requirement for the former playing fields to be retained for community use. The original planning permission for the Newcastle United Football Club Training Complex (01/01995/FUL) did have a Section 106 Legal Agreement allowing community use of one full sized and one half sized outdoor grass football pitch, but this was on their land and not the current planning application site.

9.19 A subsequent planning application (02/01168/FUL) for a Sports Club with seven associated all-weather pitches, associated car parking, landscaping and reinstatement of community pitches to site frontage was granted planning permission subject to a S106 Agreement on 16.07.04. The S106 Agreement did

include a requirement for the current planning application site to be used as playing fields for community use. However, this permission has expired without being implemented. There is therefore no legal requirement to ensure that playing pitches are provided on the current application site. Although there is no legal requirement to ensure that the land is retained for sports pitches for community use, the Council must still consider whether they are needed and whether sufficient provision already exists within the vicinity.

9.20 Sport England is a statutory consultee on any proposals which affect a playing field. Playing fields are defined as land used as a playing field at any time within the last 5 years. It is common ground that the land has not been used as a playing field at any time within the last 5 years. It has not been used since 2001 at the latest and therefore it cannot be considered to be a playing field. However, Sport England have maintained their non-statutory objection. For the purposes of this report their comments are set out in full in the accompanying annex.

9.21 The Council's Playing Pitch Strategy (2013) provides an assessment of the playing fields within the Borough. This document identifies that there is an over-supply of provision. Within the North West area of the borough, of which this site is a part of; there is a current and future shortfall of junior and mini football pitches. However there is a current and future surplus of senior football pitches in this area.

9.22 In light of Sport England's non-statutory objection officers have sought advice from the Council's Manager of Sport and Leisure. He has advised that the Council's Playing Pitch Strategy (2013) does not identify this site as a playing field nor has it been used as playing field for around 15 years. Currently the service is able to accommodate all requests for playing fields from existing pitches so the loss of this area will not have a detrimental effect on current playing field provision. The suggested contribution through the associated Section 106 Agreement will be used to improve facilities at The Lakeside Centre and will improve playing pitch provision elsewhere. The comments from Sport England requesting the provision of a playing field or a financial contribution to provide this is noted. However, it is not considered that based on the advice from the Council's Manager of Sport and Leisure that this is a reasonable request nor would it meet the CIL tests.

9.23 The issue of present use was dealt with at appeal in January 2014 for a housing development on educational open space on another site within the Borough. This appeal decision concluded that the site was not in use as education open space (its allocated use) at the time of adoption of the Council's UDP. The Inspector also noted it had been inaccessible since that time; he concluded: "Consequently, this inaccessible and unused site could not be considered as local amenity for informal recreation in the locality". The Inspector further noted that the site is not identified as meeting any of the open space typologies for current or possible future use, including informal recreation or formal outdoor sports pitch provision with the Green Space Strategies for 2007 and 2008. This is the same situation for the application site as the Council's Green Space Strategy (2015) does not identify the site as green space. However,

the adjacent Darsley Park Training Centre and Blue Flame Sports Club are identified as green spaces. Therefore, it is not considered that the loss of this inaccessible grazing land would affect the level of accessible green space provision in this part of the Borough.

9.24 The proposed development will not impact on the designated cycle route to the north of the site or bridleway to the south of the site. Therefore, there would not be any impact on existing recreational corridors.

9.25 Members need to consider whether the loss of this Greenfield site is acceptable. It is officer advice that it is as this site is inaccessible and used as grazing land. It makes no contribution to local amenity for either formal or informal recreation. It is not existing open space or a playing field and therefore there would be no conflict with paragraph 74 of NPPF, or policies R2/1, R2/2 and R2/3 of the UDP.

#### 10.0 North Tyneside 5-Year Housing Land Supply

**At the time this report was initially written the Council's five year housing land position was correct and as set out in paragraph's 10.1-10.2. Since the completion of the initial report and the last Planning Committee the Council has published a further SHLAA (2015/2016).**

10.1 Work is still ongoing to establish an adopted housing target for the borough. Latest evidence indicates a minimum potential five year housing land supply target between 2014/15 and 2018/19, including a 5% buffer, of 5,619 new homes.

10.2 North Tyneside's total potential five year housing land supply identified within the January 2015 SHLAA and Housing Land Supply Assessment, is 3,438 homes (including delivery from sites yet to gain planning permission). There is therefore a shortfall of 2,181 homes. The Council therefore does not have an identified 5 year supply of housing land, and remains dependent upon further approvals of planning permission to achieve and subsequently maintain its housing supply.

**10.3 The most up to date position is set out below in paragraphs 10.4-10.7. It is difficult to draw direct comparisons between the previous position and this most up to date position due to a number of variables changing, including the number of developments granted consent and household forecasts.**

**10.4 Members are reminded that paragraph 47 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable housing land. This must include an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.**

**10.5 The North Tyneside Local Plan Pre-Submission Draft 2015 establishes the Council's preferred level of future housing growth to 2032 based on the latest evidence of need. Reflecting this position, and after incorporating a**

**5% buffer, there is a minimum requirement for 6,109 new homes between 2015/16 and 2019/20. This is an increase over the previous figure and reflects the most up to date household projections.**

**10.6 The October 2015 Strategic Housing Land Availability Assessment (SHLAA) identifies the total potential 5-year housing land supply in the borough at 4,150 new homes. This figure comprises new homes expected to be delivered from sites which already have planning permission, sites which are yet to gain permission (such as this) and a proportion of delivery from windfall sites. There is a shortfall of 1,929 homes against the Local Plan requirement. This means there is at present 3.40 years supply of housing land. Maintaining supply is dependent on the approval of further planning permissions for identified sites such as this as well as windfall sites.**

**10.7 Paragraph 49 of the NPPF sets out that relevant development plan policies for the supply of housing will not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.**

10.8 This proposal would make a small but valuable contribution towards the Council's ability to achieve a deliverable 5-year housing land supply, a situation which provides significant weight in favour of the proposal.

#### 11.0 Character and appearance

11.1 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. NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development. It also confirms that authorities should set out their own approach to housing density to reflect local circumstances.

11.2 NPPF states 'LPA's should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'.

11.3 UDP Policy H11 states that in determining applications for residential development the local planning authority will require that any proposals take account of the impact on its site, local amenity, the environment and adjoining land uses.

11.4 UDP Policy E14 seeks to protect and conserve existing trees and landscape features within the urban environment and encourages new planting in association with development.

11.5 UDP Policy E17/4 states that development which would adversely affect the setting of a listed building will not be permitted.



11.6 UDP Policy H12 states that housing development will be expected to make the most efficient use of land, usually having a net density of between 30 and 50 dwellings per hectare. However, this policy was a reflection of the previous national planning policy Planning Policy Guidance.

11.7 LDD11 Design Quality provides guidance on layout and design for both new buildings and extensions to existing properties. This states that the context of the site itself, through to its immediate surroundings and to the wider local area should be taken into account in formulation of a design concept. Positive features of the local area should be used as design cues. Whilst contemporary and innovative designs are appropriate in certain locations each site should be considered individually. In some areas a more traditional design may be more appropriate that uses authentic details and local materials.

11.8 In addition LDD11 provides that the scale, mass and form of a building are the most important factors in producing good design and ensuring development integrates into its setting in the wider environment.

11.9 LDD11 states that “All new buildings should be well proportioned and have a well-balanced and attractive, external appearance. Good design requires a harmonious and consistent approach to the proportions of details, the position, style and location of windows and doors, the type and use of materials and the treatment to the roof, its eaves and verges. Preference should be given, when selecting materials, for using materials produced with the greatest consideration given to their environmental impacts, re-used or reclaimed materials, locally produced materials and those products comprising recycled materials.”

11.10 Both the NPPF and the local policies seek to achieve a high standard of design for new residential development.

11.11 The proposed house types are well positioned to create an active frontage onto the street scenes and provide natural surveillance. A total of ten house types will be used; these will be dispersed through the site to add visual interest. The majority of the properties will be two storeys, although six would be 2.5 storeys providing living accommodation in the roof space. The submitted sections demonstrate that the properties are commensurate to the scale and massing of properties situated along Whitley Road. The proposed materials within the public realm are well considered. The layout has been designed to be pedestrian friendly with access links to the north and south of the site. Existing trees are generally retained which will help the new development integrate into its surroundings.

11.12 East Benton Farmhouse is a Grade II listed building and is located to the south east of the application site on the eastern side of the East Coast Mainline. The farmhouse is either later 18<sup>th</sup> Century or early 19 Century. The building is two storey with stone lintels. The new housing would be on the other side of the East Coast mainline and given the existing vegetation planting that would still remain, it is considered that the proposal would not adversely affect the character or setting of East Benton Farmhouse.

11.13 The Council's Landscape Architect has been consulted. She has advised that the landscape scheme looks to enhance the existing vegetation across the site and include new street trees, hedges and shrub planting. Along the A191 (Whitley Road) frontage, the development boundary is set back from the main road providing a landscape buffer.

11.14 The submitted Arboricultural Constraints Assessment report includes a tree survey of all the trees and hedgerow groups on site. There are 112no. significant individual trees and two hedgerows within influence of the site as well as some occasional small trees and shrubs. The Council's Landscape Architect has advised that approximately 26 trees will need to be removed to facilitate the development. Subject to conditions requiring details of the trees to be retained, including their root protection area (RPA's), she has raised no objections to the proposed development.

11.15 Members need to determine whether the proposal is in keeping with the character of the area. It is officer advice that the impact on the character of the area is acceptable.

#### 12.0 Impact upon residential amenity

12.1 Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

12.2 UDP Policy E3 seeks to minimise the impact of pollution on the environment, including existing land uses and on proposed development and will support and encourage measures including the monitoring of pollution to reduce it to the lowest practicable levels.

12.3 UDP Policy H11 states that in determining applications for residential development, the LPA will take into account the impact of the proposal on its site, local amenity, the environment and adjoining land uses.

12.4 Development Control Policy Statement No. 14 considers guidance in determining applications for residential development. The criteria includes general and detailed design guidance, car parking standards, privacy distances (back to back 21.0m, back to gable 12.0m, front to front 21.0m), amenity space standards (minimum 50 square metres) and site development ratios (area of buildings should not exceed 50% of plot size). Further to the above, DCPS14 states that in fill sites within established residential areas may not be able to meet those standards relating to privacy distances and a reduced standard may be permissible.

12.5 The site layout complies with the recommended privacy/overlooking distances. Therefore, the impact on amenity of future occupants is acceptable. A separation distance of over 40m would exist between the proposed dwellings fronting Whitley Road and existing dwellings sited along Whitley Road. Furthermore, the existing trees sited along the north boundary of the site and the slight difference in levels would further reduce the visual impact of the development.

12.6 An air quality assessment has been submitted and this has been considered by the Manager for Environmental Health. This assessment has determined that the air quality impacts resulting from the development are considered not to be significant for nitrogen dioxide and particulates. There will be short term effects during construction phase of the development. Therefore, it will be necessary to attach a condition to require a dust mitigation plan to be provided if planning consent is to be given.

12.7 A noise assessment has been submitted and this has also been considered by the Manager for Environmental Health. This assessment has considered traffic related noise affecting the proposed development site and noise arising from the adjacent Newcastle United Sports training ground. Daytime noise levels in the vicinity of Whitley Road are in the region of 60 dB LAeq with LAmx levels up to 73 dB. The remainder of the site is in the region of 55 dB LAeq with the exception of the south of the site which was in the region of 52 dB LAeq. The acoustic report has recommended an appropriate glazing scheme for the northern and eastern boundaries of the site that can attenuate external noise levels from road and rail noise. For the remainder of the site it is noted that standard double glazing and trickle vents will suffice. Garden areas with line of sight of Whitley Road, the East Coast Mainline and Darsley Park Sports Ground will require 1.8m high fencing that should consist of over lapped fence panels to ensure long term integrity of the fencing to attenuate noise from these sources and ensure good outdoor amenity for residents.

12.8 The Manager for Environmental Health has advised on this basis that should planning permission be granted conditions, to secure details of appropriate window attenuation and boundary treatments, if necessary, must be imposed. Further conditions to control the hours of construction and dust suppression measures are also noted.

12.9 Members need to determine whether the proposal would have a detrimental impact on the amenity of existing properties and future occupants. It is officer advice that the layout of the proposed development is acceptable in terms of impact on outlook, privacy and light for both existing and future occupants. Officers note that the conditions suggested by Environmental Health would assist in mitigating some of the impact from road noise. Members need to consider this when making their decision.

### 13.0 Car parking and Access

13.1 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residential impacts of development are severe.

13.2 UDP Policy T6 states that the highway network will be improved in accordance with the general objective of amongst other matters improving safety and convenience of the public highway.

13.3 UDP Policy T8 seeks to encourage cycling amongst other matters ensuring cyclists needs are considered as part of new development.

13.4 UDP Policy T9 states that the needs of pedestrians, including people with disabilities and special needs will be given a high priority when considering transport and development issues

13.5 UDP Policy T11 states that parking requirements will in general be kept to the operational maximum and should include adequate provision for people with disabilities and special needs.

13.6 UDP Policy R4 states that recreation corridors will be protected for that purpose by ensuring that no development is approved which would prejudice their accessibility or intended use.

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

13.8 A pedestrian only access onto Whitley Road is proposed in the north eastern area of the site. Pedestrian only access is proposed on the southern site boundary to provide links to the bridleway, which is identified as a recreation corridor in the UDP. The proposals would not prejudice the accessibility or intended use of the adjacent recreation corridor.

13.9 A Transport Assessment (TA) has been submitted and this has been considered by the Highways Network Manager. This assessment has been tested against the A191 corridor model. Whilst no highway mitigation is deemed necessary for development traffic due to existing committed highway schemes, it is considered appropriate to improve sustainable links to the site and surrounding area.

13.10 Parking has been provided in accordance with the standards set out in LDD12 and each dwelling has cycle storage. Furthermore, the site has reasonable links with public transport and these links are being enhanced by the provision of a toucan crossing on Whitley Road.

13.11 Subject to conditions and securing a S106 contribution to improve on and off road cycle improvements on the A191 corridor the Highways Network Manager considers the development to be acceptable.

13.12 Members need to determine whether the proposal will have a severe impact on the transport network. It is officer advice that the development would have an acceptable impact on highway safety and the local road network.

#### 14.0 Biodiversity

14.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

14.2 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters

minimising the impacts on biodiversity and producing net gains to biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

14.3 Paragraph 118 of NPPF states that when determining a planning application, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided, or as a last resort be compensated for, then planning permission should be refused.

14.4 The proposed development will result in the loss of 2.6ha of openspace/green space within the Council's UDP. The site has been shown to be of value as foraging habitat to species such as bats, birds and badger. To assess the loss of this openspace the applicant has submitted a Breeding Bird Survey and Preliminary Ecological Appraisal. These supporting documents have been considered by the Council's Ecologist.

14.5 The submitted Breeding Bird Survey, concludes that the site was found to support approximately 59 territories of 16 species within or adjacent to the site, mainly along the railway line boundary and the southern boundary of the site. All of the territories are on the site margins, with a number being recorded from the adjacent East Coast railway line, which will remain undisturbed. Three of these species are recognised as being of conservation concern: bullfinch (1 territory) dunnock (4 territories) and song thrush (3 territories). The site was also used by foraging birds including oystercatcher, house sparrow and swallow. In order to minimise the impact upon birds, the applicant recommends that the development takes place outside of the bird breeding season and other measures, such as bird boxes and avoiding high intensity lighting during the construction works.

14.6 The applicant has submitted a Preliminary Ecological Appraisal, which states that habitats on site are of low to local value, comprising a species poor improved grassland field and areas of tall ruderal vegetation, which are of low value and hedgerow and trees to the site margins which are of local value.

14.7 Bat transect surveys recorded common pipistrelle activity only within the site at low levels. The applicant's ecologist considers that the site is only of a local value to bats.

14.8 Evidence of mammal activity was recorded on site, particularly associated with the eastern boundary, where the site abuts the East Coast railway line. No badger setts are present on the site and no definitive badger evidence was recorded. Fox and rabbit were recorded regularly.

14.9 Terrestrial habitats on the site according to the applicant's ecologist are considered to be generally low value to amphibians. Two ponds are present within 500m of the site. Pond 1 is approximately 290m to the north east and Pond 2 is 495m to the south. Pond 1 is separated from the site by the main road, railway line and industrial areas. Pond 2 was assessed by the applicant's ecologist in 2013, with no newts found to be present. Given the distance of the

pond from the site (495m) the applicant's ecologist considers that there is only a low risk that great crested newts would enter the site.

14.10 The applicant's ecologist considers that no other protected species are likely to be present on site, given a lack of suitable habitat.

14.11 The Council's Biodiversity Officer has been consulted. She has advised that it is important to ensure that the proposed landscaping adequately mitigates for loss of existing vegetation and also any impacts on species using the site, such as birds and bats.

14.12 The submitted landscape proposals includes native hedge planting along the southern and western boundaries. This will provide some mitigation for the loss of existing vegetation in these areas. The Council's Biodiversity Officer has requested an extension of the native hedge along the south boundary into the south east corner of the site. The planting to the north of the site with wildflower meadow, hedges and scrub provides additional planting that will help mitigate for the loss of planting elsewhere on the site and the provision of bird and bat boxes will help to mitigate impacts on wildlife.

14.13 The submitted landscape proposals include requested changes to some of the planting mixes. A landscape management plan should be conditions as part of the application to ensure the appropriate management of these areas in the future.

14.14 The Council's Biodiversity Officer has still raised concerns regarding the introduction of this 'mitigation' planting into residential gardens, which will make this planting vulnerable to removal or inappropriate management by residents in the future. These concerns are noted and a condition is requested to assess these trees post development.

14.15 Limited open space provision has been provided within the site. However, the site lies within close proximity to areas of public open space, including Benton Quarry. To assist in mitigating against the increased pressures on these existing resources a S106 contribution has been secured.

14.16 NPPF advises that that the planning system should contribute to and enhance the natural and local environment. Members need to consider whether they the proposal would accord with the advice in NPPF and weight this in their decision. It is officer advice that, subject to conditions the proposal would not result in significant harm to biodiversity and that suitable mitigation is proposed to limit the impact. The proposal would accord with the advice in NPPF.

## 15.0 Other Issues

### 15.1 Contamination

15.2 NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account. Where a site is affected by contamination or land stability

issues, responsibility for securing a safe development rests with the developer and/or landowner.

15.3 UDP Policy E3 seeks to minimise the impact of pollution on the environment, including existing land uses and on proposed development.

15.4 The applicant has submitted a phase 2 Geo-environmental Assessment. The Council's Contaminated Land Officer has been consulted and does not raise any objections. However, given the site is within 250m of a known landfill site, she recommends conditions to deal with any contamination and or ground gas.

15.5 In conclusion, subject to conditions, it is officer advice that the proposal would accord with the advice in NPPF and UDP Policy E3.

#### 15.6 Flooding

15.7 The Government have made it clear in a Ministerial Statement that they expect that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.

15.8 Paragraph 100 of NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary making it safe without increasing the flood risk elsewhere.

15.9 The applicant has submitted a Flood Risk Assessment, which concludes that the site is within Flood Zone 1, which is the lowest risk. Surface water will be attenuated in underground storage tanks and discharged at Greenfield runoff rates into Wallsend Burn. There will be capacity to accommodate water between a 1 in 30 year and a 1 in 100 year event with 30% allowance for climate change.

15.10 Northumbrian Water has been consulted. They have raised no objection subject to the development being carried out in strict accordance with the submitted FRA. The FRA states that foul flows from the proposed development will discharge to an existing combined sewer.

15.11 The Local Lead Flood Authority (LLFA) has been consulted. Subject to detailed design for the surface water management conditional approval is recommended.

15.12 The Environment Agency (EA) has been consulted. They have raised no objections.

15.13 Members need to consider whether in terms of flooding, the proposal would accord with NPPF and weight this in their decision. It is officer advice that subject to conditions the proposal would not have an adverse impact in terms of flooding and would accord with the advice in NPPF in terms of flood risk.

#### 15.14 Archaeology

15.15 National Planning Policy Framework (NPPF) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to its significance.

15.16 Paragraph 128 of NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected by a proposal.

15.17 UDP Policy E19/6 states that where assessment and evaluation have established that the proposed development will affect a site or Area of Archaeological Interest, the applicant will be required to preserve archaeological remains in situ unless this is clearly inappropriate or destruction of the remains is demonstrably unavoidable in which case a programme of archaeological works will be required.

15.18 The applicant has submitted an Archaeological Desk Based Assessment. This states that there is evidence for pre-historic or Roman activity, but the presence of activity in the surrounding vicinity indicates that an as yet unidentified resource has the potential to exist.

15.19 The proposed development area lies beyond the edge of the medieval village of Longbenton and that it is probable that the area was utilised in the medieval and post-medieval periods as agricultural land. Evidence relating to this in the form of ridge and furrow cultivation and field boundaries may survive.

15.20 The Tyne and Wear Archaeology Officer has been consulted and raise no objections subject to conditions.

15.21 It is officer advice that this proposal subject to conditions would accord with NPPF and policy E19/6 of the UDP.

#### 15.22 Sustainability

15.23 There are three threads of sustainability outlined in NPPF, these being the environment, economic and social threads, together with the policies in the NPPF as a whole.

15.24 There would be some harm in terms of the loss of a Greenfield previously undeveloped site and through the removal of some trees (see below).

15.25 Economically there would be benefits in terms of the provision of jobs associated with the construction of the new dwellings.

15.26 There would be social benefits associated with the proposal through the provision of 25% on-site affordable housing.

15.27 Taking all these matters into account, it is officer advice that on balance that in terms of the NPPF as a whole the site is sustainable. Given that the policies for the supply of housing are out of date and that there is no conflict with paragraph 74 of NPPF, the presumption is in favour of sustainable development



set out in paragraph 14 applies. The presumption is in favour of granting planning unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

15.28 In conclusion, Members need to weight all of the above and conclude whether the proposal is acceptable in principle and would accord with NPPF and UDP policies E3, E19/6, R2/2, R2/3.

#### 16.0 S106 Contributions

16.1 NPPF states that pursuing development requires careful attention to viability. To ensure viability, the costs of any requirements likely to be applied to development such as requirements for affordable housing standards, infrastructure contribution or other requirements should, when taking account of the normal costs of development and mitigation provide competitive returns to a willing land owner and willing development to enable the development to be deliverable.

16.2 Regulation 122 of the Community Infrastructure Levy (CIL Regulations, making 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 planning permission for the development of the obligation if it is:  
Necessary to make the development acceptable in planning terms;  
Directly relates to the development; and  
Fairly and reasonably relates in scale and kind to the development.

16.3 The Council's adopted SPD on Planning Obligations LDD7 states that planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that the necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancement and achieve a high quality where people choose to live, work and play.

16.4 The SPD also states that the Council is concerned that planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon economic viability of development and sets out the appropriate procedure to address this. However, the SPD states that the Council will take a robust stance in relation to this requirement for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

16.5 The contributions that can be secured and ensure a viable development are;

-25% on-site affordable housing (18 in total). 13 would be affordable rent and 5 would be intermediate.

-£14,325 to manage the additional footfall from new residents to Benton Quarry Park, Station Road LWS and the PROW. Areas of semi-improved grassland should be created/ enhanced as mitigation for loss of the grasslands on this site. These could be created within Benton Quarry Park or in the Station Rd LWS area.

-£5, 400 to bring a minimum of two plots back into production at the Wiltshire Drive allotment.  
-£52, 633 towards existing children's equipped play to be spent within the vicinity of the area  
-£47 085 towards improvements to existing facilities in line with playing pitch strategy  
-£8,176 towards maintaining and improving existing swimming pool facilities at the Lakeside Centre, Killingworth  
-£15,512 towards maintaining and improving existing sports hall facilities at the Lakeside Centre, Killingworth  
-Employment and training two apprenticeships or a financial contribution of up to 0.5% of the capital cost.  
-£163, 619 towards highway improvements to the existing PROW network to the south of the site and a contribution to a new cycleway on the A191 Whitley Road on the basis of improving sustainable links with the site and reducing the amount of associated car journeys.

16.6 These contributions are considered necessary, directly related to the development and fairly and reasonable related in scale and kind to the development and therefore comply with the CIL Regulations.

#### 16.7 Financial Considerations

16.8 Section 143 of the Localism Act 2001 states that in dealing with planning applications local authorities are having to have regard to the development plan, local financial consideration and any other material considerations. A local financial consideration means a grant or other financial assistance that has been, or will or could be provided to a relevant authority by a Minister of the Crown, and this would include the New Homes Bonus.

16.9 The Government pays New Homes Bonus to local authorities to assist them with costs of housing growth. The payments are based on the net addition to the number of dwellings delivered each year, with additional payments made to encourage bringing empty homes back into use, and the provision of affordable homes. Granting consent for new dwellings therefore increased the amount of New Homes Bonus, which the Council will potentially receive.

16.10 Members should give appropriate weight amongst all other material considerations, to the benefit accrued to the Council as a result of the monies received from central government.

#### 17.0 Conclusions

17.1 In conclusion, Members should be aware that North Tyneside does not have a 5-year housing land supply and the proposal would make a small contribution seeking to address this. Members also need to consider whether the proposal will impact on existing land uses, whether the occupants of the proposed dwellings will have a suitable level of residential amenity, whether the development would have an acceptable impact upon biodiversity and impact on the character and appearance of the area.

17.2 Members need to weigh the benefits of the proposal against the impacts and determine whether or not to grant planning permission. It is the opinion of officers that the development would accord with relevant national and local planning policy and would therefore be acceptable.

17.3 In conclusion subject to conditions and a S106 Legal Agreement, it is recommended on balance that planning permission should be granted.

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

**It is recommended that members indicate that they are minded to grant this application subject to the addition, omission or alteration of any of the conditions and subject to an Agreement under Section 106 of the Town and Country Planning Act 1990. Members are also recommended to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application following the completion of the S106 Agreement to secure the following:**

- 25% on-site affordable housing (18 in total). 13 would be affordable rent and 5 would be intermediate.
- £14,325 to manage the additional footfall from new residents to Benton Quarry Park, Station Road LWS and the PROW. Areas of semi-improved grassland should be created/ enhanced as mitigation for loss of the grasslands on this site. These could be created within Benton Quarry Park or in the Station Rd LWS area.
- £5,400 to bring a minimum of two plots back into production at the Wiltshire Drive allotment.
- £52,633 towards existing children's equipped play to be spent within the vicinity of the area
- £47,085 towards improvements to existing facilities in line with playing pitch strategy
- £8,176 towards maintaining and improving existing swimming pool facilities at the Lakeside Centre, Killingworth
- £15,512 towards maintaining and improving existing sports hall facilities at the Lakeside Centre, Killingworth
- Employment and training two apprenticeships or a financial contribution of up to 0.5% of the capital cost.
- £163,619 towards highway improvements to the existing PROW network to the south of the site and a contribution to a new cycleway on the A191 Whitley Road on the basis of improving sustainable links with the site and reducing the amount of associated car journeys.

**Members are also requested to authorise that the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure:**

- New access
- Upgrade of existing footpaths abutting the site
- Associated drainage
- Associated street lighting
- Associated road markings
- Associated signage

## Conditions/Reasons

1. In accordance with approved plans                      MAN01    \*
2. Standard Time Limit 3 Years FUL                      MAN02    \*
3. Restrict Hours No Construction Sun BH              HOU04    \*

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

Reason: This information is required from the outset as the site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved UDP policy E19/6.

5. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 4 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved UDP policy E19/6 .

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

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF and saved UDP policy E19/6 .

7. No other part of the development shall be commenced until:-

a) A detailed site investigation has been carried out to establish:

- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the public use of land;

- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) The implication for the development of the site and the quality of the environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

- b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.
- c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included
- d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should provide verification of the type, source, depth, location and suitability ( to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.
- e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased in the relevant area until any risk is assessed through chemical testing and analysis of the affected soils or waters.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: The site is located within an area identified as being potentially contaminated. To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

8. No development shall take place until a scheme showing how the development hereby approved is to be protected against the possibility of landfill gas only if found to be present migrating from the nearby former landfill site, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall not take place otherwise than in accordance with the details shown in such approved scheme, and those measures incorporated into the development shall thereafter be retained unless the Local Planning Authority otherwise agrees in writing.

Reason: This information is required from the outset to ensure that the details of the development are satisfactory to prevent the adverse effects of landfill gas which may migrate from a former landfill site having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

9. Underground Gas Investigate GAS02 \*

10. Underground Gas Design to Guard Against GAS03 \*

11. Prior to the commencement of construction works 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 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 H11 of the North Tyneside Unitary Development Plan 2002.

12. Notwithstanding Condition 1, prior to the occupation of any dwelling details of all screen and boundary walls, fences and any other means of enclosure within that development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a 1.8m high acoustic double lapped fence to rear gardens in line of sight of Whitley Road and East Coast Mainline and to rear gardens to the southern and western boundary that are adjacent to Darsley Park Sports Training Ground and the Newcastle United Training Ground. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. These agreed boundary treatments shall be retained hereafter.

Reason: To ensure that the proposed development does not adversely effect 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 H11 of the North Tyneside Unitary Development Plan 2002.

13. Notwithstanding Condition 1, the materials shall be in accordance with the details submitted on Drawing Number IN/WHIT/SK-01 Revision G unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure a satisfactory external appearance having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 2002.

14. Notwithstanding condition 1, prior to the construction of any dwelling above ground level a revised landscaping plan including a timetable for its implementation and a Landscape Maintenance and Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport. Thereafter, the development shall only be carried out in accordance with these agreed details. Any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

15. No development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; 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). The approved statement shall be implemented and complied with during and for the life of the works associated with the development, unless otherwise is approved in writing by the Local Planning Authority.

Reason: This information is required to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees and residential amenity having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 2002.

16. Prior to the occupation of any dwelling details of facilities to be provided for the storage of refuse bins within the site and a scheme to manage refuse collection, including identifying a suitable storage area for collection day only, shall be submitted to and approved in writing by the Local Planning Authority. The facilities which shall include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

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





23. Within 12 months of the occupation of final occupation car parking surveys shall be submitted to and approved in writing by the Local Planning Authority. Any parking control measures identified as a result of the car parking surveys and a timescale for their implementation shall be carried out in accordance with these agreed details and retained thereafter.

Reason: To ensure adequate parking facilities for the site and in the interests of highway safety having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 2002.

24. Notwithstanding Condition 1, prior to the occupation of the first dwelling 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.

25. Notwithstanding Condition 1, the development hereby approved shall be carried out in accordance with the submitted Travel Plan.

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

26. 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. 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 ensure that surface water management is adequately addressed and does not increase flood risk in accordance with NPPF.

27. Notwithstanding Condition 1, prior to the construction of any dwelling above ground level a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: window glazing to be provided to habitable rooms facing onto Whitley Road and plot no. 71 on the north western boundary with Whitley Road, as outlined in noise report reference NVA/5483/14/5326 Rev A, to ensure the bedrooms meet the good internal standard of 30 dB LAeq at night and prevent the exceedance of Lmax of 45 dB(A0 and living rooms meet an internal equivalent noise level of 30dB LAeq as described in BS8233:2014.

Reason: In the interest of protecting the amenity of future occupants from undue noise and disturbance having regard to Policy H13 of the North Tyneside Council Unitary Development Plan 2002.

28. Notwithstanding Condition 1, prior to the construction of any dwelling above ground level the ventilation scheme for habitable rooms facing Whitley Road and the East Coast Mainline must be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented prior to occupation

and retained thereafter to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2c of Approved Document F.

Reason: In the interest of protecting the amenity of future occupants from undue noise and disturbance having regard to Policy H13 of the North Tyneside Council Unitary Development Plan 2002.

29. No vegetation removal shall take place within the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has checked for the presence of nesting birds immediately prior to works commencing.

Reason: In the interests of wildlife protection having regard to NPPF.

30. A checking survey for badger will be undertaken immediately prior to development commencing.

Reason: In the interests of wildlife protection having regard to NPPF.

31. Notwithstanding condition 1, prior to the construction of any dwelling above ground level details of bird and box designs and their proposed locations shall be submitted to and approved in writing by the Local Planning Authority. A total of 30 bird and bat boxes will be installed within the scheme. This should consist of 5 bat slates/bricks to be incorporated on appropriate buildings; 5 Schwegler bat boxes erected on existing trees within or adjacent to the site; 20 bird boxes of various designs erected on existing trees within or adjacent to the site. The bird and bat boxes shall be installed prior to the occupation of the first dwelling and shall be retained thereafter.

Reason: In the interests of wildlife protection having regard to NPPF.

32. Prior to the commencement of any development a scheme for the implementation of arboricultural protection measures shall be submitted to approved in writing by the Local Authority. Thereafter these measures shall be implemented as recommended in BS 5837:2012 and retained at all times during construction.

Reason: To ensure the long term retention and protection of the trees on the site having regard to policy E14 of the North Tyneside Council Unitary Development Plan (2002).

33. Notwithstanding Condition 1, prior to the occupation of any dwelling all trees on the site shall be subject of a post-construction re-assessment of the trees that documents locations, condition, and any immediate or expected future requirements, to be undertaken.

Reason: To ensure the long term retention and protection of the trees on the site having regard to policy E14 of the North Tyneside Council Unitary Development Plan (2002).

34. No utilities should be located within the root protection areas of retained trees unless excavations are hand dug and approved by the Local Planning Authority prior to works taking place. 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 ensure the long term retention and protection of the trees on the site having regard to policy E14 of the North Tyneside Council Unitary Development Plan (2002).

35. All street lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead.

Reason: In the interests of aviation safety having regard to NPPF.

36. Visibility Splay Before Occupation	ACC19	*0.6
		*H11

37. Prior to the construction of any dwelling above ground level details of traffic calming measures to 20mph shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To enable the Local Planning Authority to retain control over the provision of traffic calming to secure a satisfactory standard of development and in the interests of highway and pedestrian safety having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

38. No development shall commence until details of a new surface water sewer running through the Eastern edge of Newcastle's training ground 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 and before development commences.

Reason: This information is required from the outset to ensure flood risk is not increased in the interests of surface water management having regard to NPPF.

**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 Paragraphs 186-187 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

Consent to Display Advertisement Req'd (I04)

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

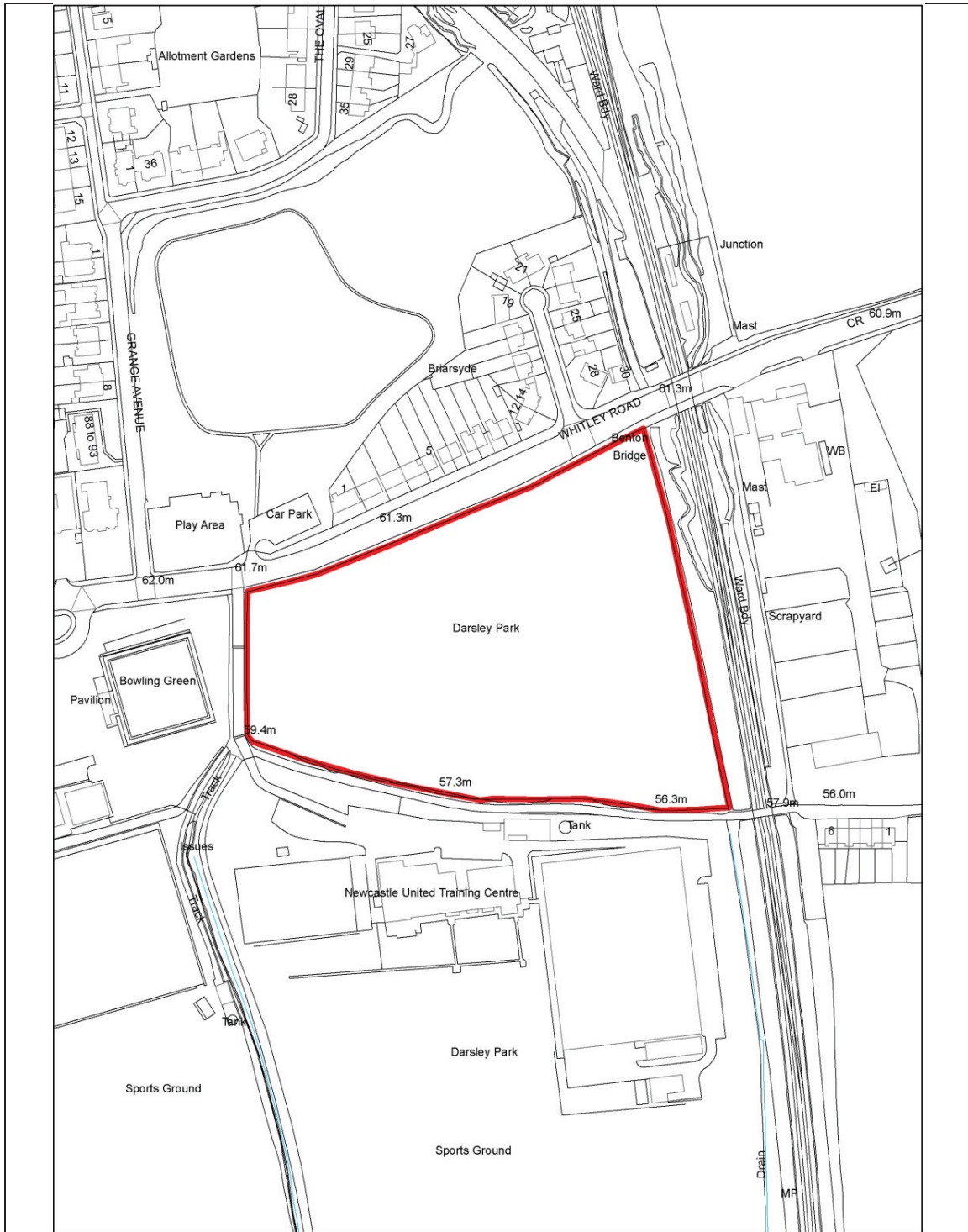
Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Free and full access to the Public Right of Way network is 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.

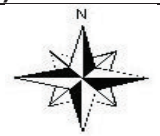
The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.



**Application reference: 15/01144/FUL**  
**Location: Darsley Park, Whitley Road, Benton, NEWCASTLE UPON TYNE**  
**Proposal: Proposed residential development of 71no. dwellings with associated estate roads, external works drainage and landscaping (Revised plans received 03.09.15) (Amended Layout Plan received 21.09.15).**

Not to scale  
 Date: 27.11.2015

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## Item 5.1

### Appendix 1 – 15/01144/FUL

#### Consultations/representations

##### 1.0 Internal Consultees

##### 1.1 Highway Network Manager

1.2 This application is for a proposed residential development of 71 dwellings with associated estate roads, external works drainage and landscaping. The site is accessed from the A191 Whitley Road and located in front of the Newcastle United Training Ground.

1.3 A Transport Assessment (TA) was submitted as part of the application and tested against the A191 corridor model. Whilst no highway mitigation is deemed necessary for development traffic due to existing committed highway schemes, it is considered appropriate to improve sustainable links to the site and surrounding area.

1.4 Parking has been provided in accordance with the standards set out in LDD12 and each dwelling has cycle storage. Furthermore, the site has reasonable links with public transport and these links are being enhanced by the provision of a toucan crossing on Whitley Road at the developer's expense.

1.5 It is for the above reasons and on balance conditional approval is recommended.

1.6 Recommendation - Conditional Approval

1.7 The applicant will be required to enter into a S106 Agreement for £163,619 for on and off road cycle improvements on the A191 corridor.

1.8 The applicant will be required to enter into a S278 Agreement for the following works:

- New access
- Upgrade and resurfacing of existing footpaths abutting the site
- Associated drainage
- Associated street lighting
- Associated road markings
- Associated signage

1.9 Conditions:

ACC02 - House Est: Details, Adopt Roads, No Occ

ACC10 - New Access: Access before Devel

ACC17 - Exist Access Closure: Misc Points

ACC19 - Visibility Splay: Before Occ (Vehicle 2.4m x 43m 0.6m)

ACC25 - Turning Areas: Before Occ

ACC27 - Traffic calming measures to 20mph

DRN02 - Housing Est: Details, Road Drainage, No Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT01 - Building Site: Compound/Storage  
SIT02 - Building Site: Construction Access  
SIT03 - Dust suppression during construction  
SIT04 - Lorry routing during construction

No development shall commence until a car park management strategy for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the site and in the interests of highway safety.

No development shall commence until 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.

No development shall commence until a revised Travel Plan taking into account the new development has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

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

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. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management

#### 1.10 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  
I45 - Street Naming & Numbering  
I46 - Highway Inspection before dvlpt

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.

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

1.12 This application is for a proposed residential development of 71 dwellings with associated estate roads, external works drainage and landscaping. The site is accessed from the A191 Whitley Road and located in front of the Newcastle United Training Ground.

1.13 A Flood Risk Assessment (FRA) was submitted as part of the application and surface water will discharge into a nearby watercourse. The site is located in Flood Zone 1 and as such has a low risk of flooding. Surface water will be attenuated in underground storage tanks and discharged at Greenfield runoff rates into Wallsend Burn with capacity to accommodate water between a 1 in 30 year and a 1 in 100 year event with 30% allowance for climate change and subject to detailed design conditional approval is recommended.

#### 1.14 Recommendation - Conditional Approval

##### 1.15 Conditions:

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 future maintenance. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interest's surface water management

No development shall commence until details of a new surface water sewer running through the Eastern edge of Newcastle's training ground and agreed with Newcastle United FC has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before development commences.

Reason: In the interest's surface water management

#### 1.16 Manager of Environmental Health (Pollution)

1.17 I have viewed the air quality assessment for the proposed residential development of 71 no. dwellings with associated estate roads and other external works. This has determined that the air quality impacts resulting from the development are considered to be not significant for nitrogen dioxide and particulates. There will be short term effects during construction phase of the development and it will be necessary to attach a condition to require a dust mitigation plan to be provided if planning consent is to be given.

1.18 I have viewed the noise assessment that has considered traffic related noise affecting the proposed development site and noise arising from the adjacent Newcastle United Sports training ground. Daytime noise levels in the vicinity of Whitley Road are in the region of 60 dB LAeq with LAmx levels up to 73 dB.



The remainder of the site is in the region of 55 dB LAeq with the exception of the south of the site which was in the region of 52 dB LAeq. The acoustic report has recommended an appropriate glazing scheme for the northern and eastern boundaries of the site than can attenuate external noise levels from road and rail noise. For the remainder of the site it is noted that standard double glazing and trickle vents will suffice. Garden areas with line of sight of Whitley Road, the East Coast Mainline and Darsley Park Sports Ground will require 1.8m high fencing that should consist of over lapped fence panels to ensure long term integrity of the fencing to attenuate noise from these sources and ensure good outdoor amenity for residents.

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

Submit and implement on approval of the Local Planning Authority a noise scheme providing details of the window glazing to be provided to habitable rooms facing onto Whitley Road, as outline in noise report reference NVA/5483/14/5326 Rev A, to ensure bedrooms meet the good internal standard of 30 db LAeq at night and prevent the exceedance of Lmax 45 dB(A) and living rooms meet an internal equivalent noise levels of 30dB LAeq as described in BS8233:2014.

Submit and implement on approval of the Local Planning Authority a noise scheme providing details of the window glazing to be provided to habitable rooms from plot no. 71 on the north western boundary with Whitley Road, as outlines in noise report reference NVA/5483/14/5326 Rev A, to ensure the bedrooms meet the good internal standard of 30 dB LAeq at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 30dB LAeq as described in BS8233:2014.

Prior to development, the ventilation scheme for habitable rooms facing Whitley Road and the East Coast Mainline must be submitted for approval in writing and therefore implemented to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2c of Approved Document F.

HOU04

SIT03

Details must be provided to the local planning authority for approval and thereafter implemented and retained to ensure an acoustic double lapped fence of minimum of 1.8m height is provided to gardens in line of sight of Whitley Road and the East Coast Mainline. To protect against traffic related noise.

Details must be provided to the local planning authority for approval and thereafter implemented and retained to ensure an acoustic double lapped fence of minimum 1.8m height is provided to gardens to the southern and western boundary of the site, that are adjacent to the Darsely Park Sports Training Ground to attenuate against noise arising from sports activities at the training ground.

## 1.20 Manager of Environmental Health (Contaminated Land)

1.21 The site lies within 250m of a known landfill. Due to the proposed sensitive end use the following should be attached:

Gas 01

Gas 02

Gas 03

Con 01

No other part of the development shall be commenced until:-

- a) A detailed site investigation has been carried out to establish:
  - i) If the site is contaminated;
  - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
  - iii) To determine the potential for the pollution of the water environment by contaminants and;
  - iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

- b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.
- c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included
- d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.
- e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased

until any risk is assessed through chemical testing and analysis of the affected soils or waters.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

#### 1.22 Ecology Officer

1.23 With regard to the above application, the site proposed for housing development is currently designated within the Councils UDP as open space. The development will result in the loss of 2.6 ha of openspace/green space which has been shown to be of value as foraging habitat to species such as bats, birds and badger.

#### 1.24 Breeding Birds

1.25 A total 59 territories or 16 species were recorded within or adjacent to the site, mainly along the site boundaries, but particularly along the railway line boundary and the southern boundary of the site. Three of these species are of conservation concern and UK priority species (bullfinch, dunnock and song thrush) The site was also being used by foraging birds including oystercatcher, house sparrow and swallow.

#### 1.26 Bats

1.27 Bat transect surveys indicated that the site is of local value to bats, supporting common pipistrelle bats utilising tree and hedge lines at site margins as foraging and commuting routes.

1.28 It is important to ensure that the proposed landscaping adequately mitigates for loss of existing vegetation and also any impacts on species using the site, such as birds and bats.

1.29 The current proposal for native hedge planting along the southern and western boundaries will provide some mitigation for the loss of existing vegetation in these areas. I would like to see the extension of the native hedge along the southern boundary into the south east corner of the site, where it appears to have stopped. The planting to the north of the site with wildflower meadow, hedges and scrub provides additional planting that will help mitigate for the loss of planting elsewhere on the site and the provision of bird and bat boxes will help to mitigate impacts on wildlife.

1.30 However, I still have concerns regarding the introduction of this 'mitigation' planting into residential gardens, which will make this planting vulnerable to removal or inappropriate management by residents in the future. The whole point of the landscaping is to provide mitigation for the scheme. If this is then removed by residents, it defeats the object. As stated in my previous comments, this

planting should remain outside of resident's gardens to ensure it is retained in the future.

1.31 However, if the application is to be approved with the planting retained in resident's gardens, a solution to protecting these trees would be to TPO these trees.

In this case, I would advise that an assessment is undertaken of the trees by the Councils Landscape Architect with the aim of getting a Tree Preservation Order (TPO) on these trees in order to protect them.

1.32 In my previous comments, I also referred to the limited open space provision within the site itself, except for a few very small 'green' areas on the periphery of the development. The Council green space opposite the site, Benton Quarry, will inevitably be impacted upon as a result of this (i.e increased pressures on site resources), therefore a developer contribution will be required to ensure any impacts on Benton Quarry are mitigated for.

1.33 I also queried why SUDs had not been considered as part of the development in my previous comments and this has not been addressed.

1.34 Requested changes to some planting mixes have now been incorporated into the landscape plans, which are now acceptable. A landscape management plan should be conditioned as part of the application to ensure the appropriate management of these areas in the future.

#### 1.35 Conditions

-A 'Landscape Maintenance and Management Plan' must be submitted to the Local Authority for approval prior to the development commencing.

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

-A checking survey for badger will be undertaken immediately prior to development commencing.

-All trees on or adjacent to the site should be adequately protected through the tree protection measures outlined in the Arboricultural Method Statement.

-A total of 30 bird and bat boxes will be installed within the scheme. This should consist of 5 bat slates/bricks to be incorporated on appropriate buildings; 5 Schwegler bat boxes erected on existing trees within or adjacent to the site; 20 bird boxes of various designs erected on existing trees within or adjacent to the site. Bird and bat box designs and their proposed locations will be submitted to the Local Authority for approval prior to development commencing.

-All mature trees retained within residential gardens will be assessed for protection under a Tree Preservation Order (TPO) by the Councils Landscape Architect to ensure landscaping is retained in the long term. This will take place prior to development commencing.

-A S106 contribution will be secured for improvements to Benton Quarry Park to mitigate for the lack of good quality open space within the scheme and any adverse impacts and pressures on this site from this development.

### 1.36 Landscape Architect

#### 1.37 Final comments

1.38 Conditions: Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS), Tree Protection Plan (TPP).

-No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been submitted to approved in writing by the Local Authority and implemented as recommended in BS 5837:2012

-All trees on the site including those within private ownership will be the subject of a post-construction re-assessment of the trees that documents locations, condition, and any immediate or expected future requirements, to be undertaken. To ensure the long-term retention and protection of the trees on the site.

-No utilities should be located within the root protection areas of retained trees. 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)

#### 1.39 Initial comments

1.40 The proposed development is for 71 houses and a new access road to the A191/Whitley Road. There is existing hedgerow/trees along all boundaries of the site (except for the western boundary) including a large amount of mature trees. Vegetation on the site consists primarily of open grassland, used for informal grazing and devoid of any other landscape features. A designated 'recreation corridor' is located on the southern boundary of the site which runs from Benton to the Rising Sun Country Park, a designated strategic cycle route runs along the A191/Whitley Road to the north of the site and the East Coast Mainline is located to the east of the site.

#### 1.41 Arboricultural report

1.42 An Arboricultural Constraints Assessment report (September 2014) has been submitted which includes a tree survey of all trees and hedgerow/shrub groups on site. There are 112no. significant individual trees and two hedges within influence of the site as well as some occasional small trees and shrubs. Eight trees have been identified as being unsuitable for retention (Category U) due to poor structural or physiological condition and not included in the total. The trees have had no significant recent management but collectively provide the site with good amenity and screening. There are 2no hedgerows H1 and H2 which are protected by the Hedgerow Regulations 1997 (hedgerows with a continuous length of at least 20m are protected by the regulations). The majority of the trees are semi-mature to early-mature age range and are of native broadleaved species with only a small patch of conifers being present in the north-eastern corner of the site. 10 no trees are of high retention value (Category A). The majority are of low (59 no. Category C) or medium (43 no. Category B) retention value. Two of the eight trees have been identified as 'U' require urgent removal due to very poor structural condition and close proximity to public footpaths (T25 and T26).

1.43 What is not clear is if any additional trees (over and above the category U trees) are to be removed to facilitate the development, (although the landscape plans show areas of vegetation to be removed, no detail has been given – I am counting about 26 no trees to be removed in total?). Although the trees to the

boundary of the site will 'largely be retained' there is no indication of the overall impact of the development on the retained trees; for example it appears that some of the trees along the northern boundary will be removed to construct the access and the drawings refer to 'vegetation to be removed'. It would be useful to have a full Arboricultural Impact Assessment, Method Statement and Tree Protection Plan to accompany any final site design which would clearly indicate the trees to be retained (with their RPA indicated) and those to be removed. This would also give an indication if any further trees are to be affected by the proposed works (footpaths, shed bases, kerbs)

#### 1.44 Landscape scheme

1.45 The landscape scheme looks to enhance the existing vegetation across the site and include new street trees, hedges and shrub planting. Along the A191/Whitley Road frontage, the development boundary is set back from the main road leaving a landscaped buffer. However I would like to see the 'native shrub mix' and hedge continued to the full extent of the frontage to the west of the new access road.

- There are small areas of amenity grass proposed within the wildflower mix area. It would be easier from a maintenance point of view to have only the wildflower mix proposed with a 1.0m linear strip cut next to the footpath/shared access/car parking areas.
- Single species hedges to the properties are proposed.
- How are the retained tree species and new hedgerows which are proposed in private gardens to be retained for the long term and not removed by the occupiers?

#### 1.46 Tree Pruning works

1.47 Many of the trees along the northern boundary of the site have low crowns which are encroaching on the public footpath and road. The crowns of these trees should be lifted to give adequate clearance to pedestrians and road traffic. Details can be provided as a condition.

#### 1.48 Design Officer

1.49 The boundary treatment to plot 1 has been amended.

#### 1.50 Initial comments

1.51 The design and layout is well designed following positive pre-application engagement with the Planning Authority.

1.52 The house types are well positioned to create an active frontage onto the street scenes and provide natural surveillance. Materials within the public realm are well considered. The layout has been designed to be pedestrian friendly with pedestrian access links to the north and south of the site. Existing trees are generally retained which will help the new development integrate into its surroundings.

1.53 My only comment relates to boundary treatments for plot 1. The rear boundary treatment should start from the rear elevation rather than covering up part of the side elevation which is designed to be a corner turner unit.

1.54 Senior Manager – Sport and Leisure

1.55 With regard to North Tyneside's current Playing Pitch Strategy 2013 the application site is not identified as a playing field. The site has not been used as a playing field for around 15 years. Currently the service is able to accommodate all requested for playing fields from existing pitches so the loss of this area will not have a detrimental effect on current playing field provision. The suggested contribution through the associated section 106 agreement will be used to improve facilities at The Lakeside Centre and will improve playing pitch provision elsewhere.

## 2.0 Representations

10 letters of objection has been received raising the following issues;

Adverse effect on SSSI

Adverse effect on the character of the area.

Affect character of conservation area

Adverse effect on wildlife

Impact on landscape

Loss of potential amenity

Loss of character

Loss of trees

Nuisance – disturbance

Nuisance – dust/dirt

Nuisance – fumes

Nuisance – noise

Overdevelopment

Poor traffic/pedestrian safety

Poor/unsuitable vehicular access

Precedent will be set

Traffic congestion

Will result in visual intrusion

Within Greenbelt/ no special circumstances

Whitley Road has become an extremely busy link/access road and was never intended for the volume of traffic it now deals with.

It is difficult to exit Belvedere Gardens on busy days due to queuing traffic at the traffic lights at the Station Road junction and can only worsen as more roads are developed.

Loss of a sports pitch.

The field has been allowed to become a place to graze ponies and assume a state of neglect.

Stripping Benton and the adjacent conservation area of its inherent character.

Benton is slowly being engulfed by development and the character is being lost forever. If all of the proposed development go ahead including the land next to Proctor and Gamble's being developed as industrial land it will have no distinct boundaries with either Wallsend or Killingworth and just become a concrete metropolis.

Overdevelopment.

Increase in traffic 140 additional cars, existing road network is confusing.

I support the overall development proposals of new residential development on this site in principle but request that the Council Planning and Highway officers

seriously review and consider the safety of pedestrians between Station Road and Whitley Road (A191) as a matter of urgency.

Serious consideration should be given by North Tyneside Council to relocating and improving pedestrian crossing facilities in a location adjacent to the convergence of Station Road and Whitley Road i.e. where existing pedestrian routes are being reinforced and new pedestrian movement patterns are emerging.

I urge officers to address the issue of pedestrian safety in this location in response to rising demand for family housing in this area, by whatever means is appropriate.

There are not enough Doctors practices or dentists to look after everyone.

All of the green areas are being taken away from us.

I regularly hack my horse along the track my horse along the track which is next to the field which is being proposed as a housing estate – this will be impossible once the houses start to get built. This area is very popular with dog walkers – the erection of 71 houses will put a stop to this. There is going to be nowhere left to enjoy some countryside and peace and quiet.

Existing pedestrian crossings is inadequate.

Sustainable modes of transport should be considered.

### 3.0 External Consultees

#### 3.1 Tyne and Wear Archaeology Officer

3.2 An archaeological desk based assessment has been submitted.

3.3 The assessment concludes that there is the potential for prehistoric or Roman remains to exist on this site.

3.4 The site lies beyond the medieval village of Longbenton, which dates back to the 12<sup>th</sup> century, and was probably used for agricultural purposes during that time.

3.5 The assessment recommends a geophysical survey.

3.6 The geophysical survey has been submitted. No anomalies were detected which could represent archaeological features.

3.7 I wrote a specification for five archaeological trenches on 2 July 2015 (see attached) and sent it to Archaeological Services Durham University, the developer's appointed archaeologist. The purpose is to check the negative results of the geophysics as there have been occasions when there have been archaeological features on a site but because of soil or geological conditions, the geophysics hasn't picked them up (for example a prehistoric pit alignment was found at Brenkley).

3.8 The evaluation trenching is still to be done.

3.9 If possible this should be done prior to a planning decision being made. I understand from the developer's archaeologist that there are horses on the site at present.



3.10 If it is not possible to do the trenching prior to decision, please use the following conditions:

Archaeological Excavation and Recording Condition

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

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

Archaeological Post Excavation Report Condition

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

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

Archaeological Publication Report Condition

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

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

3.11 Northumbrian Water

3.12 We would have no issues to raise with the application, provided it is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment." In this document it states that foul flows from the proposed development will discharge to the existing 225mm combined sewer at or between manholes 2502, 2501 and 2602. The document further states that surface water from the proposed development will discharge to a watercourse.

3.13 We would therefore request that the Flood Risk Assessment form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

3.14 Environment Agency

3.15 The Environment Agency has no objections to the proposed development

but wishes to provide the following information:

3.16 The proposed development should not impact the groundwater abstraction nearby. However, if this is not the case then we would wish to be re-consulted.

3.17 Disposal of Foul Sewage

3.18 As it is proposed to dispose of foul sewage via the mains system, the Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

3.19 Newcastle International Airport

3.20 Physical development

3.21 The proposed physical development to the site would not result in any obstacle to overflying aircraft, or interference with navigational aids.

3.22 It is not considered that the proposed residential properties would be subject to undue levels of noise as result of NIA's activity.

3.23 Landscaping

3.24 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. 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. This should be conditioned as part of the planning permission.

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

3.25 Lighting

3.26 All street lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead. This should be conditioned as part of the planning permission.

3.27 Renewable energy sources

3.28 NIA would require information relating to any photovoltaic cells or micro wind turbines proposed for the development. It is not clear that this is proposed as part of the planning application.

### 3.29 National Air Traffic Services

3.30 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly there is no safeguarding objection to the proposal.

### 3.31 Police Architectural Liaison Officer

3.32 On the positive side I feel there are some aspects that will aid in preventing crime i.e. Back to Back Gardens where possible, in-curtilage parking (or at least parking outside of the units in the case of some of the affordable plots) corner turning units on junctions.

3.33 My only suggestion here is that between plots 17 & 18 and 25 & 26 there should be a gate to the footpath leading to the rear of these plots to prevent potential offenders gaining access.

3.34 I would recommend that the whole site should be considered for the Association of Chief Police Officers (ACPO) security scheme Secured by Design (SBD) and would point out that from 1<sup>st</sup> October Approved Document Q will become law and security will come under building control but one of the main points of this document is that all new build dwellings will have to fit doors and windows to meet PAS 24: 2012 or one of its equivalents which happens to be the min spec of the SBD. This should mean that any new build properties will meet the min standard for part 2 of the SBD and I would encourage the applicant to consider applying for the full SBD certification. Further advice can be obtained from myself.

### 3.35 Sport England

3.36 The applicant has submitted a number of documents in response to Sport England's original objection, the contents of which have been noted.

3.37 Sport England's objection letter contained issues raised by the NGB's which we now accept concern development of the former Civil Service sports ground to the south of the application by Newcastle United. Following discussion with the applicant's agent, Sport England accepts that these comments do not relate to the application site and should be discarded accordingly.

3.38 Sport England's objection to the application however centred on the loss of a former playing field. The applicant's letter confirms our understanding that the application site was last formally used as a playing field, but contends that it was not a "statutory playing field". For clarification's sake we would ask you to note that such a distinction has no basis in planning legislation or case law. The NPPF makes no such distinction and that is the primary policy test considering whether the playing field use should be retained. It is only the weight the Council affords to Sport England's response that has a relationship with the five year rule. We accepted in our initial response that the application site had not been used within

the last five years as a playing field, and that our response was made on a non-statutory basis, and this remains the only relevant distinction in how our comments should be considered and the site's history/use evaluated.

3.39 As advised in our original response, our objection was on the failure of the proposal to comply with NPPF/Sport England's playing field policy. Since there is not a recognised surplus of playing pitches in this part of North Tyneside, the proposal must meet exception E4 in order to address Sport England's objection.

3.40 The applicant has offered a sum of £70, 773 to be spent on the Lakeside Centre and pitch improvements in this part of the District. As this offer has been made notwithstanding Sport England's objection, and makes reference to North Tyneside's Planning Obligations SPD. It is not of relevance to Sport England's objection and should not be reported as such. Instead the offer is intended to address the sporting needs of new residents.

3.41 In order for Sport England's objection to be addressed the applicant would need to replace the playing field that is being lost or provide the Council with a means of doing so. As the former is likely to be beyond the developer then the Council should provide the financial sum which allows the playing field to be replaced. The costs for doing this should make reference to Sport England's facility cost guidance.

3.42 The aerial photographs of the site would seem to suggest that it contained a cricket pitch and a full sized football pitch. The combined cost of their replacement would be £320, 000.00. If our interpretation of the aerial photograph is incorrect then the cost of simply replacing a playing field in accordance with our design guidance Natural Turf for Sport would amount to £281, 756.00.

3.43 As the applicant is not proposing to replace the playing field, Sport England wishes to sustain its objection.

#### 3.44 Initial comments

3.45 Objection. There is a shortage of pitches in North Tyneside and so the proposal does not comply with Playing Field Policy (Exception E1).

3.46 It is understood that the application site is last used as a playing field albeit outside the 5 year timeframe detailed in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184).

3.47 The consultation is therefore non-statutory. Essentially Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field unless one of 5 exceptions applies.

3.48 North Tyneside's Playing Pitch Strategy is dated 2012, and was adopted by the Council in 2013. The data gathered during the assessment stage of the work dates from 2012 and was undertaken in accordance with Sport England at that time.

3.49 The application site falls within the North West Area where there are pitch shortfalls in junior and mini football and cricket both in 2013 and 2023.

3.50 The ECB advises that they wish to object to the application. The site was formerly occupied by the Civil Service Cricket Club. The club is still in existence, but has been displaced since Darsley Park was taken over by Newcastle United. The cricket club explained that:

“The Darsley Park CSSC Sports Ground was leased by CSCC Head Office (which owns the land) to Newcastle United FC for use as its Youth Academy for a period of 125 years from 31 August 2001. As part of the deal, CSCC negotiated reserved rights for two football pitches and one cricket pitch to be available for CSCC members to play their sport at Darsley Park. However, this changes when CSCC’s Estates Department agreed with NUFC that it could change its use of Darsley Park to the club’s first team training facility and, for security reasons, NUFC be allowed to provide the football and cricket pitches for the use of CSCC members away from Darsley Park.

Since 2001 the cricket team has played its cricket at the following venues:

- Newcastle University Close House sports facility – until Newcastle University closed it to cricket in favour of extending the golf course surrounding it.
- Wallsend Sports Centre- until North Tyneside closed the facility.
- Riding Mill – for one season in 2008, but the distance from Newcastle and the number of times it was unavailable due to wet weather and damp conditions meant it really wasn’t suitable.

Northumbria University Bullocksteads sports facility – just finishing out third season there.

3.51 Civil Service CC remain a team displaced from Darsley Park (and North Tyneside) and had hoped to establish a cricket ground at the application site in conjunction with the earlier health club proposal.

3.52 The RFU observed that;

3.53 It is the RFU’s view that based on the findings of the playing pitch strategy there is a shortfall on grass pitches in the area and so would request more evidence is provided to confirm the impact of the disposal of the playing pitches and the impact upon participation levels in the future. The 2013 playing pitch strategy is not in line with the new Sport England PPS methodology and the RFU would be happy to feed into this process but from reviewing the 2013 document no reference is made to the disposal of these pitches in the playing pitch strategy document and as such we feel that more robust evidence is needed as the strategy does state on page 13 of the rugby summary, “Due to large numbers of teams training on match pitches in North Tyneside, most pitches are overplayed. More pitches and ancillary facilities are needed to meet both current and future demand” this is also consistent with the findings from the Newcastle PPs for clubs close to this site.

3.54 The RFU can confirm that it is not aware of any community use of the site identified within the planning application however, it was used by Benton RUFC, which have since folded over 10 years ago. Players from the club joined other local clubs within the Tyneside and Newcastle Local Authority areas as there re 3

rugby union clubs within 1 miles of Darlsely Park site, including the University clubs, another 2 within 2 miles and 1 within 3 miles.

3.55 The RFU would ask that, through the local authority playing pitch strategy evidence, that a contribution towards other local sporting facilities is considered to increase the capacity of the local sporting sites and consideration be given to the Rugby Union provision, ensuring the capacity of the proposed pitches within the application could be provided elsewhere.

3.56 In line with the RFU's national Facility Strategy and local CB facility plans the clubs within a 3 mile radius of Darsely Park site have been mapped onto the RFU's 'People and Places Continuum.' This mapping exercise demonstrated that they all have facility needs that, if addressed would improve the capacity of the site and support the clubs sustainability. This includes poor floodlight training provision at Newcastle Medics and one club who have no site of their own, Newcastle Ravens, who play out of Novocastrians RFC putting additional pressure on their facilities. Wallsend have already benefitted greatly from the planning process with the development of their 2 new pitches, involving RFU, Sport England and section 106 monies and the next phase of that project is the development of changing and club house facilities which funding is still to be secured for

3.57 As such the RFU would seek to make a request that the planning process includes a contribution towards the local sports facilities to support the delivery of local rugby development plan.

3.58 The FA advised;

We understand that this is a football and cricket site and was last used approximately 10-12 years ago. Any opportunity for mitigation would be welcomed. Whitley Bays Boys Club are looking to build or refurbish their changing pavilion in conjunction with Cricket.

3.59 Clearly the pivotal requirement of exception policy E1 [that there is a clear excess of playing pitch provision] does not apply in this instance, and as such the proposal does not apply in this instance, and as such the proposal does not meet Sport England's playing field policy. The playing policy is essentially the same test as that set out in paragraph 74 of the NPPF and so Sport England also considered that the proposal is contrary to national planning policy.

3.60 In light of the above, Sport England wishes to object to this application.