

Item No: 1
Application No: 15/01934/OUT Author: Maxine Ingram
Date valid: 4 December 2015 ☎: 0191 643 6322
Target decision date: 4 March 2016 Ward: Weetslade

Application type: outline planning application

Location: Land East Of North Villas And North Of, Meadowbank, Dudley, NORTHUMBERLAND,

Proposal: Outline planning permission for 150 residential dwellings including access (Updated drainage 4.1.16 and updated planting strategy 8.1.16)

Applicant: North Tyneside Council, FAO Mr Richard Brook Quadrant Silverlink North Cobalt Business Park North Tyneside Tyne And Wear NE27 0BY

Agent: Capita, FAO Mr Steven Lyttle Quadrant East First Floor Left 16 The Silverlink North Cobalt Business Park North Tyneside Tyne And Wear NE27 0BY

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues in this case are;

- Whether the principle of housing development is acceptable on this site.
- The impact of the proposal upon the character and appearance of the site and the surrounding area.
- The impact upon neighbours living conditions with particular regard to outlook and privacy.
- Whether sufficient parking and access would be provided.
- Other Issues.

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

2.0 Description of the Site

2.1 The site to which this application relates is a parcel of Council owned land measuring approximately 4.95 hectares. It is currently used as agricultural land.

The site is largely flat with gentle undulation and general decrease from west to east across the site.

2.2 The site is surrounded by residential properties located to the east, south and west. Beyond the residential properties to the north west of the site lies a large commercial factory known as Shasun.

2.3 To the east of the site lies Annitsford Pond a Local Nature Reserve (LNR).

2.4 Access to the site is gained via The Wynding.

2.5 The site is designated as safeguarded land within the Council's Unitary Development Plan (2002).

3.0 Description of the Proposed Development

3.1 The proposal seeks outline planning permission for the erection of up to 150 dwellings including access.

3.2 This is an outline application with access only being considered for approval and all other matters are reserved for subsequent approval.

4. Relevant Planning History

82/02545/OUT - Outline: residential development of 24 acres (120 housing units) at 67.5 acre field known as Annitsford field immediately north of Dudley and west of Annitsford - Permitted 18.05.1983

15/01940/SCREIA - Request for Environmental Impact Assessment Screening Opinion - NOEIA 16.12.2015

5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002).
Direction from Secretary of State under Paragraph 1(3) of Schedule 8 of the Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP.

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (2012).

6.2 National Planning Policy Guidance (NPPG) (As amended).

6.3 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 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

7.0 Main Issues

7.1 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 upon neighbours living conditions with particular regard to outlook and privacy; and
- Whether sufficient parking and access would be provided.
- Other issues.

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

8.0 Principle of development

8.1 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means where the development plan is absent, silent or relevant policies are out of date, granting permission for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies indicate that development should be restricted.

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

8.3 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 supply of specific deliverable sites to provide five years worth of housing against their housing requirements plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a persistent under delivery, the buffer should be increased by 20%.

8.4 NPPF goes on to say that the local planning authorities should plan for a mix of housing based on current and future demographic trends. NPPF requires Council's to set a Borough wide target for affordable housing being sought over the plan period. The definitions of affordable housing are set out in NPPF.

8.5 The development plan is out of date. The North Tyneside Unitary Development Plan was adopted in March 2002, over 14 years ago. The plan period ran until 2006 and we are now significantly (10 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.

8.6 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.

8.7 Weight must also be given to the requirement of the authority to take into account the existence of a five year housing land supply for the borough when determining planning applications.

8.8 UDP policy H5 states that proposals for housing on sites not identified for this purpose will be approved where amongst other matters, the proposal is on a previously developed site and within the urban area.

8.9 The proposal is not on a previously developed site; however it is located adjacent to an existing urban area. It is the view of officers that policy H5 is not consistent with NPPF, which has no such prerequisite for new housing development to be within existing urban areas, providing it is sustainable. Given policy H5 is not consistent with NPPF Members should attach less weight to it.

8.10 It is noted that residential developments of 15 or more units require 25% of affordable homes to be provided on site. However, where there is a justification for offsite provision or a financial contribution in lieu of onsite provision then this may be acceptable. The applicant has advised that this development has been assessed on the basis of site suitability and an assessment of local needs. Consideration has been given to providing a number of affordable housing on site ranging from 5%-25%. The applicant considers that increased benefits could be achieved from providing a lower level of affordable housing on site and using the revenue from the sale of the site to construct affordable housing off site. This will ensure that affordable homes are evenly distributed and built in locations where there is high demand. It is therefore proposed that 5% of affordable housing provision will be provided on site.

8.11 Members need to consider the principle of developing this land and the provision of on site affordable housing and balance their decision against other material planning considerations, including NPPF and the requirement for North Tyneside Council to ensure a 5-year housing land supply.

8.12 Safeguarded land

8.13 The site is Greenfield according to the definition of NPPF. NPPF identifies 12 Core Planning Principles for local planning authorities that should underpin decision making. One of which is to encourage the effective use of land by using land that has been previously developed (brownfield land). In the current UDP the site is designated as safeguarded land according to policies E21 and E21/1. It is clear that the proposal would not be located on previously developed. Whilst NPPF encourages the use of previously developed land it is not a prerequisite.

8.14 According to policy E21 safeguarded land is defined as land that may be required for development beyond the plan period. The plan period is defined in paragraph 2.2 of the UDP as running to 2006, we are now well beyond this. However, this application represents a departure from saved policies.

8.15 NPPF paragraph 14 requires that in decision making, where the development plan is absent, silent or out of date, the presumption in favour of

sustainable development means that planning permission should be granted unless to do so would result in significant demonstrable harm to the policies of NPPF as a whole. The harm as a result of bringing forward a green field site and conflict with policies E21 and E21/1 must be balanced against the following issues.

8.16 UDP Policy E21/1 states that the development within the area defined as safeguarded land will not be permitted unless the following apply:

- It preserves the open nature of the area especially where this forms important open breaks between or within the built up area, and
- It does not cause significant visual intrusion, and
- It does not adversely affect access for recreation, and
- It will not adversely affect important landscape features, and
- It will not cause significant harm to agricultural or forestry operations, and
- No alternative site is reasonably available.

8.17 Members should be aware that the objective of the safeguarded land policies was to ensure that at least some of these areas be made available for development beyond the plan period, and not to preclude all development for a sustained period. It is appropriate to assess the development against the safeguarded land criteria.

8.18 The site is an agricultural parcel of land contained largely by settlements to the east, south and west and Annitsford Pond a Local Wildlife Site (LWS) and a Local Nature Reserve (LNR). The landscape within the site boundaries is open in nature with existing vegetation sited along the east, west and south boundaries. Views of the site are afforded from the surrounding residential estates and the LNR and LWS.

8.19 The submitted indicative layout demonstrates that the development would abut the existing residential estate immediately to the south of the site. It also shows that the residential units would be sited away from the LNR and an area of open space would be retained to maintain a visual break between the built development and this area. This area would also be utilised to provide Sustainable Urban Drainage Systems (SUDs) and enhancements to the east and south boundaries of the site. Therefore, officers do not consider that the development of this site would adversely affect access for recreation or adversely affect important landscape features.

8.20 It is acknowledged that the development will alter the open, agricultural nature of this part of the Borough. However, it has been positioned immediately adjacent to an existing residential estate. Therefore, the siting of the development will assist in reducing visual intrusion when viewed from outside the site.

8.21 NPPF states that LPA's should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, LPA's should seek to use areas of poorer quality land in preference to that of a higher quality.

8.22 Agricultural Land Classification (ALC) is a standardised method for classifying agricultural land. Best and most versatile agricultural land is classified

grades 1 and 2 or sub grade 3a; whereas moderate, poor and very poor quality is designated sub grade 3b or grades 4 and 5. The applicant has advised that the site is grade 3 agricultural land. Therefore, it is the view of officers that the grade of agricultural land is not so great to warrant particular protection and the loss of this land would not cause significant harm to agricultural or forestry operations.

8.23 It is not easy to assert that there are no alternative sites reasonably available since there are a range of potential housing sites on other safeguarded land identified in the Council's Local Plan Pre-Submission Draft 2015. However, the loss of this area of safeguarded land must be balanced against previous appeal decisions given by the Secretary of State, the fact that the UDP plan expired in 2006 and the majority of the existing house allocations made have been built, or are in the process of being built. Though policies E21 and E21/1 are saved policies, they cannot now be given significant weight, as we are now significantly beyond the plan period. Members should also be aware that the objective of safeguarded land policies was to ensure that a least some of these areas be made available for development beyond the plan period and not to preclude all development for a sustained period.

8.24 Members need to consider whether the reduction in the open nature of this part of the Borough is acceptable and whether it would result in significant visual intrusion and significant loss of agricultural land. This must also be balanced against the other impacts and benefits of the scheme.

8.25 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 layout and impact on amenity being acceptable and whether the impact on the highway network is acceptable 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.

9.0 North Tyneside 5-Year Housing Land Supply

9.1 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.

9.2 Through the North Tyneside Local Plan Pre-Submission Draft 2015, the Council has outlined a 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.

9.3 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 (a total which includes delivery from sites yet to gain planning

permission). This represents a shortfall of 1,929 homes against the Local Plan requirement (or a 3.40 year supply of housing land).

9.4 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. Therefore, North Tyneside Council remains dependent upon approval of further planning permissions to achieve, and subsequently maintain, its housing supply.

9.5 This proposal would make a 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.

10.0 Character and appearance

10.1 Paragraph 56 of NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

10.2 UDP Policy E23 seeks to protect and conserve mature trees and hedgerows, wherever possible in the countryside and will encourage further tree and hedgerow planting where practicable and appropriate.

10.3 UDP Policy H11 states that in determining applications for residential development, the local planning authority will require that any proposals take into account amongst other matters the quality of its layout and design, scale, density, massing, construction, landscaping and materials.

10.4 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 (PPG) Note: 3 Housing, which sought to develop housing at higher densities, but was cancelled in 2012. Therefore policy H12 is out of date. NPPF does however state that local authorities should set their own approach to housing density to reflect local circumstances.

10.5 Policy DCPS No.14 'New Housing Estates – Design and Layout' sets out the Council's recommended privacy distances between dwellings to provide privacy and outlook of 21m back to back and front to front and back to gable of 12m.

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

10.7 The proposal seeks outline planning permission for up to 150 dwellings with a mix of dwelling types from two to four bedroom units and affordable housing

units of two or three bedrooms. The number of units proposed will have a density of approximately 30 dwellings per hectare.

10.8 The layout and scale of the development are reserved matters. However the applicant has submitted an indicative layout showing how the site could be developed.

10.9 The indicative street layout provides a strong building line. Towards the edge of the development where it overlooks the green buffer the layout is more organic in form. The layout includes a network of interconnected routes, providing safe and convenient movement through the site. Footpath links into the green infrastructure provide access to an area of central open space which links to an existing bridleway to the south of the site.

10.10 There are two vehicle access points proposed for the site; one from The Wyndings and one from Cloverhill Close. The access points each serve a separate parcel of land.

10.11 The objections received regarding loss of privacy and overlooking are noted.

10.12 It is anticipated that the site will largely comprise of two storey dwellings. However, there may be scope for some three storey dwellings. It is also anticipated that the dwellings will be detached, semi detached and terraced properties. The indicative layout demonstrates that the units can meet the standards relating to privacy between both existing and proposed units.

10.13 Whilst noting that that the application is in outline form at this time and more detailed design would follow if permission is granted, Members needs to consider whether the overall design concept and layout are appropriate and comply with current policy. It is officer advice that the scheme can be adequately accommodated on site without significant adverse impact upon the character or appearance of the area.

11.0 Impact upon residential amenity.

11.1 Paragraph 123 of NPP 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.

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

11.3 The objections received regarding loss of privacy and overlooking, particularly to garden areas are noted.

11.4 The neighbours most likely to be directly affected by the proposals are those living in the residential dwellings of Meadowbank, Crofters Close, Cloverhill Close and Woodcroft Close. The indicative layout demonstrates that the units can meet the standards relating to privacy between both existing and proposed units. For these occupiers it is considered that the proposal would not have an adverse

impact. The retention of some of the existing landscaping would act as a buffer and reduce the impact upon them. All of the proposed new dwellings will comply with the privacy distances set out in DCPS No. 14 'New Housing Estates Design and Layout.'

11.5 The proposed buffer planting proposed along the southern boundary would assist in providing visual screening between the proposed dwellings and existing dwellings. The objections received regarding the removal of this planting is noted. The applicant has advised that the retention of this planting would be secured by a covenant.

11.6 The site is located within Newcastle International Airport's (NIA) flight path. The objections received regarding the impact on the amenity of future occupants in terms of noise from NIA's flight path are noted.

11.7 There are a number of commercial properties, including Shasun and Owen Pugh, located beyond the existing residential properties to the west of the site. The main sources of external noise that could impact on the future amenity of the proposed dwellings are road traffic from the B1319, B1505 and A189, aircraft noise due to preferred departure or arrival routes at NIA and industrial noise from the commercial properties to the west of the site.

11.8 A noise report has been submitted for consideration. This noise report considered traffic noise and potential industrial noise. The maximum noise levels identified in this report were attributed to aircraft. An addendum to the noise report was submitted to address the concerns raised by NIA. The reports concluded that the noise climate was dominated by road traffic and aircraft noise. The reports advised that the industrial operations from adjacent businesses were masked by traffic noise. No mitigation is considered necessary for the proposed residential garden area as all the noise monitoring locations indicated that the gardens will be within World Health Organisation noise limits of 55dB, LAeq, (16hr). It recommends that standard glazing within the proposed units can achieve good standards of internal noise levels in accordance with BS8233 to protect against road and aircraft noise.

11.9 The applicant has advised that the NIA's noise contour maps were considered. The application site is sited outside of the calculated 57dB daytime noise exposure contour for aircraft noise for the 2021-2030 proposed airport expansion and between the 51 and 48dB contour for the night time noise contours for 2030. The applicant has advised that the proposed mitigation for the development has considered aircraft movements during the night time period to ensure the LAmax guidance level of 45dBA is achieved to meet the requirements of BS8233.

11.10 The Manager for Environmental Health has been consulted. She has advised that aircraft noise has been considered in the submitted reports. Noise mitigation measures proposed for acceptable levels of internal amenity are set out in the submitted noise report and are representative of maximum noise levels arising from aircraft. The building envelope for the night time exposure has been recommended to mitigate the LAmax from the aircraft noise to ensure the night time internal guidance level of 45dB is achieved. The measurements presented

in the noise report represented 'worst case scenario'. It is noted that noise from the wide bodied aircraft and military jet activity has not been greatly considered. However, she considered that this is not considered necessary due to the occurrences being in the daytime period and relatively infrequent.

11.11 The Manager for Environmental Health has had regard to NIA's initial objection. However, their view is that the applicant has considered aircraft noise in their mitigation measures by ensuring worst case maximum noise levels can be mitigated to acceptable levels internally at night. They have advised that they are satisfied with the conclusions of the noise report.

11.12 NIA has advised that their approach to noise is to use the noise contours as a starting point to understand the potential noise impact of the airport on a particular development. They do not consider that the submitted noise report adequately address noise from the airport particularly in terms of typical aircraft movements as these do not constitute arrivals only, the level of data capture undertaken is not representative of NIA's activity or any consideration for military aircraft. These concerns are noted. However, it is the view of officers that the required level of mitigation could be adequately controlled by condition. The suggested wording of the condition has been sent to NIA for consideration and they have advised that the condition would be acceptable in this instance.

11.13 It is noted that an objector has expressed concerns that no air quality assessment has been undertaken. The Manager for Environmental has advised that an air quality assessment is not required for this development as the requirement for this type of assessment is determined based on the guidance provided under local air quality management technical report LAQM TG09. This report indicates that aircraft would only be assessed if the development is within the 1000 metre boundary of the airport site. This is not the case. Furthermore, the housing development is of insufficient size to cause a significant effect on air quality from increased traffic movements on the main road. The development is screened from the main road by existing houses and its distance from roads is greater than specified in the LAQM TG09 report to require review.

11.14 Members need to consider whether the impact on the residential amenity of existing and future residents is acceptable. It is officer advice that with the imposition of conditions, noise can be appropriate mitigated to ensure that new residents will have an acceptable level of amenity.

12.0 Car Parking and Access

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

12.2 All developments that generate significant amount of movements should be supported by a Transport Statement or Transport Assessment. Planning decisions should take into account amongst other matters that safe and suitable access to the site can be achieved for all people.

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

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

12.5 Policy T8 seeks to encourage cycling by amongst other matters ensuring cyclist's needs are considered as part of new development

12.6 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.

12.7 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.

12.8 LDD 12 Transport and Highways SPD sets out the Council's adopted parking standards.

12.9 The objections received regarding the impact on the highway network, site accesses and other options not being explored are noted. With regard to alternative options for the site being explored, the Local Planning Authority (LPA) can only consider the application that has been submitted.

12.10 As this is an outline application with only access to be determined, the internal highway layout, parking and cycle provision will be considered at reserved matters. However, the indicative layout demonstrates how the internal highway layout could be achieved.

12.11 The applicant has submitted a Transport Assessment (TA) and Travel Plan (TP). The submitted TA has considered the impact of the development on the existing highway network and the proposed site accesses. The TA has demonstrated that the development would not result in a severe impact on the adjacent highway network. This conclusion is also supported by the Council's Highway Network Manager.

12.12 The applicant has taken into consideration the views of Nexus and has agreed to provide a one month Network Travel pass for residents.

12.13 Two accesses are proposed, one directly from the western end of The Wyndings and another via The Wyndings and Cloverhill Close with traffic joining the wider network at the B1505 Front Street. The Highways Network Manager considers that the existing highway infrastructure is adequate to accommodate traffic associated with this development as there is traffic calming in place and suitable pedestrian links.

12.14 Highways England have been consulted. They have raised no objections.

12.15 It is officer advice that subject to the mitigation that the proposal would not have a residual cumulative impact that would be severe and therefore is acceptable.

12.16 Members need to consider whether sufficient access would be provided and whether the proposal would accord with the advice in NPPF and policies T6, T8, T9, T11 and LDD12 and weight this in their decision.

13.0 Other Issues

13.1 Contamination

13.2 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, responsibilities for securing a safe development rests with the developer and/or landowner.

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

13.4 The applicant has undertaken a programme of gas monitoring works on the site to address potential mine gas issues. A ground investigation report has also been undertaken to assess the geological and hydrogeological conditions beneath the site.

13.5 The Council's Contaminated Land Officer has been consulted. She has reviewed the submitted information. The Ground Gas Assessment Report shows that the site is classified as Characteristic Site 1. Therefore, no protection measures are required.

13.6 The Phase 2 Ground Investigation and Assessment showed that no previously unidentified sources of ground gas and organic rich soils were identified during the intrusive investigations. Therefore, the site can be characterised as Characteristic Situation 1.

13.7 The Council's Contaminated Land Officer is satisfied that no gas protection measures are required. She has advised that the chemical testing that has been undertaken identified all contaminants of concern were below Generic Assessment Criteria levels and no asbestos was identified on the site. She has advised that the site is fit for its proposed use and no remedial works are required.

13.8 The application site falls within a coal referral area, defined Development High Risk Area. Within the application site and surrounding area there are coal mining features and hazards which need to be considered as part of this development.

13.9 The Coal Authority has been consulted. They have advised that the applicant has obtained appropriate and up-to date coal mining information for the application site. The submitted reports correctly identify that the application site may have been subject to past coal mining activity. The Coal Authority records indicate that the site is likely to have been subject to past coal mining activity. The site is also likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with coal that outcropped across the site.

13.10 Site investigations were undertaken, the results of which are reported in the accompanying Phase 2 ground Investigation Report. On the basis that the report is able to confirm that the site can be considered stable, the Coal Authority has raised no objections.

13.11 Members need to consider whether the ground conditions of this site are suitable for future residential use. Based on advice from the relevant consultees it is officer advice that this site is suitable for future residential use and would accord with the guidance in NPPF and policy E3 of the UDP.

14.0 Flooding

14.1 NPPF states that when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment following the Sequential Test.

14.2 Drainage design needs to be conducted so that surface waters are directed away from vulnerable components of the site. In accordance with NPPF drainage should be designed so that flood risk is not increased elsewhere as a result of the development.

14.3 The objections received regarding flood risk are noted.

14.4 Part of the application is located within Flood Zones 2 and 3. The applicant has submitted a Flood Risk Assessment (FRA). This FRA has concluded that parts of the site are at risk from flooding from fluvial sources (Sandy's Letch). The applicant has advised that the developable area of land has been agreed with the Environment Agency (EA), including keeping development to areas that are 1.2m above the nearest extent of Flood Zone 3. The 1.2m allowance incorporates 0.6m in order to account for the potential impacts of climate change of fluvial flood levels.

14.5 Surface water flood risk will be managed by appropriate landscape design and by positioning sensitive site elements on relatively high ground at the site by designing to ensure sufficient run off to the local drainage system and/or Sustainable Urban Drainage Systems (SUDs). The submitted FRA advises that the EA has requested that they would expect the discharge of the Letch to be attenuated to the existing Greenfield rate (should a discharge to Sandy's Letch be needed). Ideally storage on site would consist of ponds, wetlands, swales etc. to provide sustainable drainage.

14.6 It is recommended that properties should be made more resilient to the potential impacts of surface water flooding by raising entry and floor levels above local ground levels. This is especially the case in flatter areas of the site.

14.7 The EA has been consulted. They have recommended conditional approval.

14.8 The Lead Local Flood Authority (LLFA) has been consulted. They have recommended conditional approval.

14.9 Northumbrian Water has been consulted. They have recommended conditional approval.

14.10 Members need to determine whether the proposed development is acceptable in terms of its impact on flood risk. It is officer advice that the subject to conditions the proposal would accord with NPPF and Members should weight this in their decision.

15.0 Biodiversity

15.1 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.

15.2 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.

15.3 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 development cannot be avoided or as a last resort be compensated for, then planning permission should be refused.

15.4 The application site is within an area of agricultural land that lies to the west of Annitsford Pond Local Wildlife site (LWS) and Local Nature Reserve (LNR).

15.5 The applicant has submitted a Baseline Ecology Report. This report shows that the land to be developed is mainly arable land, with some woodland and scrub around the site boundaries. Sandy's Letch watercourse flows to the north of the site into Annitsford Pond, supporting riparian habitat that is of ecological value to species such as bats, breeding birds and otter.

15.6 The proposed development will result in the loss of arable land of low ecological value, with the removal of low value and some moderate value broadleaved woodland to the south of the site to accommodate the indicative housing layout.

15.7 The Council's Ecologist has been consulted. She has advised that loss of the woodland is regrettable; however it will be mitigated by replacement buffer planting which will be locally native and of value to species such as breeding

birds and bats. In addition, trees will be planted in the proposed buffer area between the residential units and Annitsford Pond. She has advised that if planted appropriately, this will adequately mitigate for the loss of trees to the south of the site.

15.8 A 2- 4 metre strip of planting will also be retained along the majority of the southern tree belt (the moderate value trees). Low value trees in this strip will be removed and replaced with native species and moderate value trees will be retained but thinned out to allow stronger and larger individual trees to flourish. The Council's Ecologist has advised that if this is carried out appropriately it will improve the health of this tree strip. She has recommended that a 'Tree Management Plan' is submitted to ensure that appropriate management works and re-planting takes place. There are concerns that this planting strip will be accommodated within the garden areas of the proposed development. This is not an ideal situation as this makes the planting vulnerable to removal and there is a lack of control in terms of future management. The applicant has advised that this is being dealt with by the use of a covenant on the planting strip.

15.9 The submitted Baseline Ecology Report assessed the impact of the development on protected species.

15.10 The submitted report recorded a total of 43 species of breeding birds within the agricultural field and its immediate vicinity, including Annitsford Pond, Sandy's Letch and woodland planting to the south of the site. The majority of breeding species were recorded within and around Annitsford Pond and Sandy's Letch where the best habitat is found for many of these breeding bird species. The most notable species recorded breeding on site was house sparrows (11 pairs) which were found close to existing housing. Two pairs of skylark were also noted to be breeding within the agricultural land. In total, seven red listed species were recorded on site, four of which were S41 priority species noted as breeding on site (dunnock, reed bunting, skylark and starling).

15.11 As a result of this, adequate mitigation should be provided on or off site to mitigate for the loss of habitat that these species utilise. The Council's Ecologist has advised that most of these species will be adequately mitigated for by the inclusion of some farmland bird habitat into the green buffer corridor to the east of the residential units, as well as hedgerow and scrub planting. She has advised that it is unlikely that there will be adequate space to provide the required habitat for skylark. She has recommended that an offsite contribution towards management of fields at the Rising Sun Country Park for skylark is secured (or alternative site). This will also help to mitigate for the loss of arable land being used by wintering birds.

15.12 The submitted report recorded a total of 40 species of wintering birds on site. The dominant wintering birds recorded within this habitat included common gull and black-headed gull. Six red-listed species (five of which are also S41 NERC Priority Species) were also recorded which included grey partridge, house sparrow, lapwing, lesser redpoll, starling and yellowhammer. The Council's Ecologist has advised that adequate mitigation is required for the loss of habitat being utilised by these species. She has advised that most of this can be secured by adequate habitat creation for farmland birds within the green buffer strip

proposed to the east of the site. However, an off-site contribution will need to be secured to provide mitigation for species such as lapwing and grey partridge.

15.13 The submitted report recorded no great crested newts at Annitsford Pond or within Northumberland Business Park Pond during the 2013 surveys. Both ponds are deemed to be sub-optimal for this species, however, other notable amphibian species were present including common frog, common toad and smooth newt. It is noted that the area around Annitsford Pond will be protected by a buffer from the housing development. A condition is recommended that all development works for this scheme are undertaken to an Amphibian Method Statement. The Council's Ecologist has also advised that three species of amphibian were found adjacent to the site; therefore amphibian hibernaculum should be created within and around Annitsford Pond.

15.14 The otter and water vole surveys undertaken in 2013, considered that Sandy's Letch is used as a foraging area at times for otter. However, overall, it was considered to be of low potential for both species. Any areas used by otter would be largely confined to Annitsford Pond and Sandy's Letch riparian buffer. A condition is recommended that works are undertaken to an Otter/Water Vole Method Statement.

15.15 The submitted report recorded low numbers of foraging/commuting bats (pipistrelle and Myotis species) on site, mainly along Sandy's Letch riparian habitat and Annitsford Pond, where the best habitat is located for these species. The habitat that is being lost (arable land and a small area of broadleaved woodland to the south of the site) is sub-optimal for bats and was not being utilised by these species. Therefore, impacts on bats would be minimal and would be compensated by new habitat creation within the green buffer corridor proposed to the east.

15.16 The submitted report recorded no signs of badger during the site survey. However, a condition is recommended that a badger checking survey is undertaken prior to any construction activity on site.

15.17 The indicative layout indicates a buffer zone between the proposed residential units and the adjacent watercourse and Local Nature Reserve (LNR). This area includes various green infrastructures and has been identified as a mitigation area for biodiversity, SUDs and amenity provision. The use of the green infrastructure is welcomed by the Environment Agency subject to a condition securing a maintenance plan to ensure maximum benefits for biodiversity for the SUDs and other green infrastructure within the development.

15.18 The use of the green infrastructure is also welcomed by the Council's Ecology Officer. However, she has advised that it essential that a large proportion of this area is set aside to create habitat that will mitigate for the impacts on farmland birds. These areas should be designed to accommodate species of breeding and wintering birds by providing scrub, hedgerow and wildflower meadow areas. The indicative layout submitted does not provide this level of information. Therefore, it is important that the detailed design of these areas takes into consideration the necessary mitigation required for farmland birds. A condition is recommended to secure this.

15.19 The Ecology Officer has also advised that details of the proposed balancing pond, including size, depth, profiles, planting, inlet and outlets etc must be submitted for approval. The pond and its connection to Sandy's Letch should be designed to maximise biodiversity and be sympathetic to its surroundings. This should include considering green swales instead of pipes connecting the pond to the outfall at Sandy's Letch. Details of the outfall to Sandy's Letch must also be submitted for approval and protected species surveys (water vole/otter) must be undertaken prior to any works being undertaken for the outfall. In addition, the SuDS scheme should clearly demonstrate that it provides water quality improvements by reducing sediment and contaminants from runoff, through a SuDS management/treatment plan. Full details should be conditioned to ensure its inclusion within the scheme.

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

15.21 A revised layout has been submitted to allow an additional area of trees to be retained to the north of Woodcroft Close. The Council's Landscape Architect has been consulted. It is regrettable that large sections of existing landscape planting will be removed. However, she has advised that the overall planting strategy and mitigation proposals are acceptable in principle. Further detail such as species will be required as it is important that the planting proposals meet the objectives of the landscape strategy making a positive contribution to the environment of Annitsford Nature Reserve and the wider area through the promotion of biodiversity and sustainable landscape design.

15.22 To accommodate the proposed development and to establish a higher level of arboricultural management for the site some of the existing tree groups will need to be removed. For clarification purposes Members are advised that all the trees on the wider Annitsford Farm site have been assessed. Only Trees 1-4 and groups 3, 4, 5 and 6 are relevant to the consideration of this planning application. The trees have been assessed in accordance with the relevant British Standards. The existing trees on site have been categorised as moderate value (B) and low value (C). Trees 1-4, groups 5 and 6, and parts of groups 3 and 4 will need to be removed to accommodate the development.

15.23 A tree buffer between 2-4 metres will be provided. In this area trees will be thinned out to remove poor quality individual trees in favour of stronger, better developed trees. Large trees which are inappropriately located and growing in conflict with boundary fences will be removed. Where there are gaps a mixture of native evergreen and deciduous trees will be planted.

15.24 The alignment of the paths may also require the removal of trees to the east of the site although it is proposed to assess the extent of this on site as the paths should be aligned to minimise tree removal. Once the position of the paths is confirmed, informed management/construction recommendations can be made with the Tree Protection Plan (TPP) accordingly adjusted. In support of the application an arboricultural impact assessment and method statement has been provided. By using the protective elements dictated by British Standard 5837,

and as described in the method statement, no significant damage should take place during the construction phase.

15.25 Members need to consider whether the proposed development would be acceptable in terms of its impact upon biodiversity and existing trees and whether it would accord with the advice in NPPF in terms of providing adequate mitigation and weight this in their decision. Subject to the imposition of conditions and securing a financial contribution it is officer advice that it is.

16.0 Archaeology

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

16.2 Paragraph 128 of NPPF states that in determining application, local planning authorities should require an applicant to describe the significance of any heritage assets affected.

16.3 Paragraph 129 of NPPF states that local planning authorities should identify and assess the particular significance of any heritage assets that may be affected by a proposal.

16.4 UDP Policy E19/6 states that where assessment and evaluation have established that proposed development will affect a site of 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.

16.5 The Tyne and Wear Archaeology Officer has been consulted. She has advised that an archaeological desk based assessment was produced in 2012 and that no further archaeological work is required.

16.6 It is officer advice that the development of this site would accord with the advice in NPPF and UDP policy E19/6 of the UDP.

17.0 Sustainability

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

17.2 The site is sited on the edge of an existing urban area. Furthermore, it would provide environmental benefits by providing additional planting, the creation of a SUDs pond and wildlife benefits. Economically there would be benefits in terms of jobs associated with the development. There would also be social benefits associated with the proposal through the provision of 5% on-site affordable housing provision.

17.3 Taking all these matters into account, it is officer advice 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, the presumption in favour of sustainable development set out in paragraph 14 applies. The presumption is in favour of granting

planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

17.4 In conclusion, the proposal would represent a departure from policies E21 and E21/1 in terms of safeguarded land. However, given the Council cannot demonstrate a 5-year supply of deliverable housing sites housing policies are out of date. The proposal also represents a departure from policy H5, however this policy cannot be given full weight as this policy is not fully in accordance with the advice in NPPF.

17.5 Members need to weigh all of the above and conclude whether the proposal is acceptable in principle.

18.0 S106 Contributions

18.1 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 contributions 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 developer to enable the development to be deliverable.

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

18.3 The Council's adopted SPD on Planning Obligations LDD8 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 enhancements and achieve a high quality where people choose to live, work and play.

18.4 The SPD also stated 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 this requirement for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

18.5 The contributions that can be secured and ensure a viable development are:
-5% affordable housing on site;
-5 employment and training apprenticeships
-£72, 600 health contribution to wards local practices;
-£29, 250 towards strategic and semi-natural greenspace;

-£54, 075 towards children's equipped play space within the vicinity of the site
-£41, 250 education contribution towards primary education within the vicinity of the site;
-£27, 300 education contribution towards secondary education within the vicinity of the site;
-£8, 000 towards allotments improvements at the Lakeside Centre Killingworth;
-£50, 000 Travel Plan Bond.

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

19.0 Conclusion

19.1 The site is within an area of designated safeguarded land according to the UDP and this application represents a departure from policies E21 and E21/1. However, the UDP plan period expired in 2006 and we are now significantly beyond this. The objective of safeguarded land policies was to ensure that at least some of these areas be made available for development beyond the plan period and not preclude all development for a sustained period.

19.2 The Council does not have a 5 year supply of deliverable housing land. Policies for the supply of housing are out of date. This carries substantial weight.

19.3 The provision of affordable housing provision on site is a matter which weights significantly in the balance in favour of the proposals.

19.4 This proposal would accord with the NPPF in terms of Flood Risk.

19.5 This proposal would accord with NPPF in terms of Biodiversity.

19.6 The proposal would accord with the NPPF in terms of not losing the best and most versatile agricultural land.

19.7 Taken overall the proposals accord with the NPPF to the extent that they can be regarded as being sustainable.

19.8 The proposal would not have an adverse impact upon neighbours.

19.9 Highway and traffic impacts would be acceptable and not severe.

19.10 The starting point for Members is that planning permission should be granted, unless the adverse impacts of granting permission significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in NPPF as a whole.

19.11 The benefits of providing much needed housing for both open market sale and for affordable provision are significant and weighty matters. There are no adverse impacts which are significant and demonstrable such that the presumption in paragraph 14 should not apply.

19.12 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.

Members are recommended to indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary. Members are also recommended to grant plenary powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;

- 5% affordable housing on site;**
- 5 employment and training apprenticeships**
- £72, 600 health contribution to wards local practices;**
- £29, 250 towards strategic and semi-natural greenspace; need to include off site mitigation**
- £54, 075 towards children's equipped play space within the vicinity of the site**
- £41, 250 education contribution towards primary education within the vicinity of the site;**
- £27, 300 education contribution towards secondary education within the vicinity of the site;**
- £8, 000 towards allotments improvements at the Lakeside Centre Killingworth;**
- £50, 000 Travel Plan Bond.**

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
 - Application form.
 - Ordnance survey plan (1:1250)
 - Development Master Plan (1:1000) CS8394-05 Dwg No PR1-CAP-00-XX-DRA-000000 Rev I
 - Planting Strategy (1:1000) CS8394-05 Dwg No PR1-CAP-00-XX-DRA-000000 Rev I
 - Annitsford Farm Development Masterplan Southern Boundary Planting Strategy
 - Proposed Drainage Strategy CS075651 Dwg No 201 Rev B
 - Outline Drainage Strategy Report CS/075651-ODS Rev 03Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Approval of Detail Res Matters Spec OUT MAN04 *layout, scale, appearance and landscaping

INIT

- | | | | |
|----|--|-------|---------------------------|
| 3. | House Est Layout Adopt Roads No Occ
OUT | ACC01 | *2
*H11 |
| 4. | New Acces Access Before Devel OUT | ACC08 | *H11 |
| 5. | Exist Access Closure By OUT | ACC16 | *six months
*2
*H11 |
| 6. | Turning Areas Laid Out Before Occ OUT | ACC24 | *refuse
*2
*H11 |
| 7. | Traffic calming mesures to 20mph | ACC27 | *H11 |
| 8. | Surface Water Drainage OUT | DRN01 | *2
*H11 |

9. The details to be submitted pursuant to condition 2 above shall include a scheme for parking, garaging and manoeuvring, in accordance with LDD12 for both private and visitor parking bays, and the loading and unloading of vehicles. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

10. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement, in conjunction with the tree protection plan, 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, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). No site storage, parking is to be located within the root protection area (RPA) of the retained trees. The scheme

must include an site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees and residential amenity having regard to Policies H11, H13, E14 and E3 of the North Tyneside Council Unitary Development Plan 2002.

11. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development above ground level details of facilities to be provided for the storage of refuse at the premises shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also 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: In order to safeguard the amenities of the area having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

12. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development above ground level a scheme for the provision of secure undercover cycle storage for residential use shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings having regard to policy H11 of the Council's Unitary Development Plan 2002.

13. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development a scheme to provide visibility splays of 2.4m by 33m on internal junctions 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.

Reason: This information is required from the outset in the interests of highway safety having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 2002.

14. Notwithstanding the details to be submitted pursuant to condition 2, within six months of the first occupation a revised Travel Plan taking into account the new development shall be 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. If the targets are not being met, the Travel Plan Bond may be invoked.

Reason: This information is required to accord with Central Government and Council Policy concerning sustainable transport.

15. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development no development shall commence until a scheme showing pedestrian/cycle routes within the site have been submitted to and approved in writing by the Local Planning Authority.

Thereafter this scheme shall be laid out in accordance with the approved plan.

Reason: This information is required from the outset to ensure that suitable pedestrian/cycle routes can be accommodated within the site having regard to policy H11 of the North Tyneside Council Unitary Development Plan 2002.

16. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development above ground level shall not begin until full details (i.e. routing, construction details and associated signage and waste bins) of the proposed new routes (i.e. footpaths, multi user routes etc.) have been submitted and approved in writing by the Local Planning Authority. The approved new routes shall be carried out within a timescale to be agreed with the LPA.

Reason: To improve accessibility to the adjacent highway network having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 2002.

17. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development a scheme for surface water management 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: This information is required from the outset to ensure flood risk is not increased in accordance with NPPF.

18. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development a detailed Flood Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. This scheme will need to include:

- Details of the proposed attenuation pond maintenance regime and an approved maintenance contractor.

- Details of the proposed attenuation pond including size, depths, profile, cross sections/long sections.

- Details of properties with raised floor levels. The ground floor levels of all properties with raised floor levels shall be elevated to at least 1.2m above the level of the nearest extent of Flood Zone 3.

- Details of flood protection for neighbouring properties.

- There shall be no ground raising in Flood Zone 3.

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

Reason: This information is required from the outset of the development in order to prevent any increase in flood risk to ensure safe access and egress from and to the site and biodiversity improvements having regard to NPPF.

19. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any works or any part of the development works a scheme of supervision for the arboricultural protection measures and a tree protection plan (TPP) shall be submitted to approved in writing by the Local Authority. The TPP plan shall include details of all the trees to be removed including those in the groups. Thereafter this agreed scheme shall be implemented prior to the commencement of any development as recommended in BS 5837:2012 and retained until the necessary works are completed.

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.

20. Notwithstanding the details to be submitted pursuant to condition 2, the reserved matters application shall include a fully detailed landscape plan which shall include: new tree planting to a minimum size of 12-14cm girth; heavy standard; 3.50 - 4.00m height, habitat creation for farmland birds (scrub, hedgerows, wildflower meadow grassland) and woodland/scrub planting, and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Newcastle International Airport. Species which provide a food supply in the form of fruits, nuts and berries should not be used on site in quantities greater than 10%. Thereafter, the development shall 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 and aerodrome safeguarding in accordance with NPPF.

21. No utilities or drainage 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).

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.

22. Prior to any pruning works to the retained trees, particularly those associated with any new footpath construction, details of these works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed pruning works shall conform to BS 3998 (2010) 'Recommendations for Tree Work'.

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.

23. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development or any site clearance works a scheme for the protection of trees during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The area surrounding each tree within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

In carrying out the development, the developer shall conform with the recommendations in BS 5837:2012 in relation to the protection of trees during construction and the details within the AIA:

- a) There shall be no changes in ground levels;

- b) No materials or plant shall be stored;
 - c) No buildings or temporary buildings shall be erected or stationed;
 - d) No materials or waste shall be burnt;
 - e) No drain runs or other trenches shall be dug or otherwise created,
- without the prior written consent of the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset to protect amenity and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

24. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development of development a woodland/landscape management plan for the long term management of the trees shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset to protect amenity and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

25. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development or any site clearance works a detailed Tree Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall provided details of tree removal in the 2-4m woodland strip to the south of the site and appropriate re-planting details. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset to protect amenity and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

26. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development full details of the SuDS scheme shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Newcastle International Airport. These details shall include details of the planting, inlet/outlet details of the SuDs scheme and details of the waterbody being fully covered and netted. The SuDS scheme should be designed in accordance with aerodrome safeguarding best practices and clearly demonstrate that it provides water quality improvements by reducing sediment and contaminants from runoff, through a SuDS management/treatment plan. Thereafter, the development shall be carried out in accordance with these details and shall be permanently retained.

Reason: This information is required from the outset to safeguard important habitats and species of nature conservation value having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and aerodrome safeguarding best practices in accordance with NPPF.

27. Prior to the installation of any outfall to Sandy's Letch as part of the SUDs scheme a riparian mammal checking survey must be undertaken and the details shall be submitted to and approved in writing by the Local Planning Authority

before these works commence. Thereafter, the outfall(s) shall be installed in accordance with these agreed details.

Reason: To safeguard important habitats and species of nature conservation value having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

28. No vegetation clearance shall be undertaken within the bird nesting season (March-August) unless a survey by a qualified ecologist has been undertaken immediately prior to any ground works or development commencing and confirmed the absence of nesting birds.

Reason: To safeguard important habitats and species of nature conservation value having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

29. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development an Otter/Water Vole Working Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset to safeguard important habitats and species of nature conservation value having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

30. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development an Amphibian Working Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset to safeguard important habitats and species of nature conservation value having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

31. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development above ground level details of two amphibian hibernacular to be created within the Annitsford Pond/Green Buffer area shall be submitted to and approved in writing by the Local Planning Authority. These details shall include their location and timetable for implementation.

Reason: This information is required from the outset to safeguard important habitats and species of nature conservation value having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

32. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development a badger checking survey shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset to safeguard important habitats and species of nature conservation value having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

33. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development above ground level a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall detail pollution prevention measures to ensure that there will be no adverse impacts on Annitsford Pond, Sandy's Letch or any other ecological habitat. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: To safeguard important habitats and species of nature conservation value having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

34. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development a construction method statement detailing pollution prevention measures to protect Annitsford Pond, Sandy's Letch or any other ecological habitat shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these measures shall be installed prior to the commencement of any development and retained until completion of the development.

Reason: This information is required from the outset to safeguard important habitats and species of nature conservation value having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

35. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development above ground level details of 10 bird and 10 bat boxes (design type and location) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a timetable for their implementation. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: To safeguard important habitats and species of nature conservation value having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

36. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development a scheme for the provision and management of a buffer zone alongside the watercourse, pond and wetland shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.

Reason: Development that encroaches on watercourses, ponds and wetlands has a potentially severe impact on their ecological value having regard to NPPF.

37. 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.

38. Notwithstanding the details to be submitted pursuant to condition 2, prior to the construction of any part of the development hereby approved above ground level a schedule and/or samples materials and finishes for the development and all surfacing materials, including permeable surfacing, 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 ensure a satisfactory appearance having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 2002.

39. Notwithstanding the details to be submitted pursuant to condition 2, prior to the occupation of any part of the development hereby approved details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. 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.

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.

40. Notwithstanding the details to be submitted pursuant to condition 2, no development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings, in accordance with the requirements of condition 18, has been 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: 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 and to ensure flood risk is not increased having regard to NPPF.

41. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A, B and H of Part 14 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality having regard to policy of the North Tyneside Unitary Development Plan 2002 and aerodrome safeguarding having regard to NPPF.

42. Restrict Hours No Construction Sun BH HOU04 *

43. Notwithstanding the details to be submitted pursuant to Condition 2, no development shall commence on site until a noise scheme providing details of the glazing specification and ventilation scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport. The noise scheme must include one month's assessment of data from Seaton Burn monitoring site, provided by the Newcastle International Airport, during the peak summer months for aircraft on arrival and departure to and from Newcastle International Airport. The details of the building facade treatment shall be provided that verify bedrooms meet the good internal standards of 30 dB equivalent A weighted noise level (LAeq) at night and 35 dB LAeq for living rooms and prevent the exceedances of the maximum A weighted noise level of 45 dB in accordance with BS8233:2014. Thereafter, the development shall be implemented in accordance with these details and shall be permanently retained.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

44. The development hereby permitted shall include no more than 150 dwellings.

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

45. Standard Time Limit 3 yr Res Matters OUT MAN05 *

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

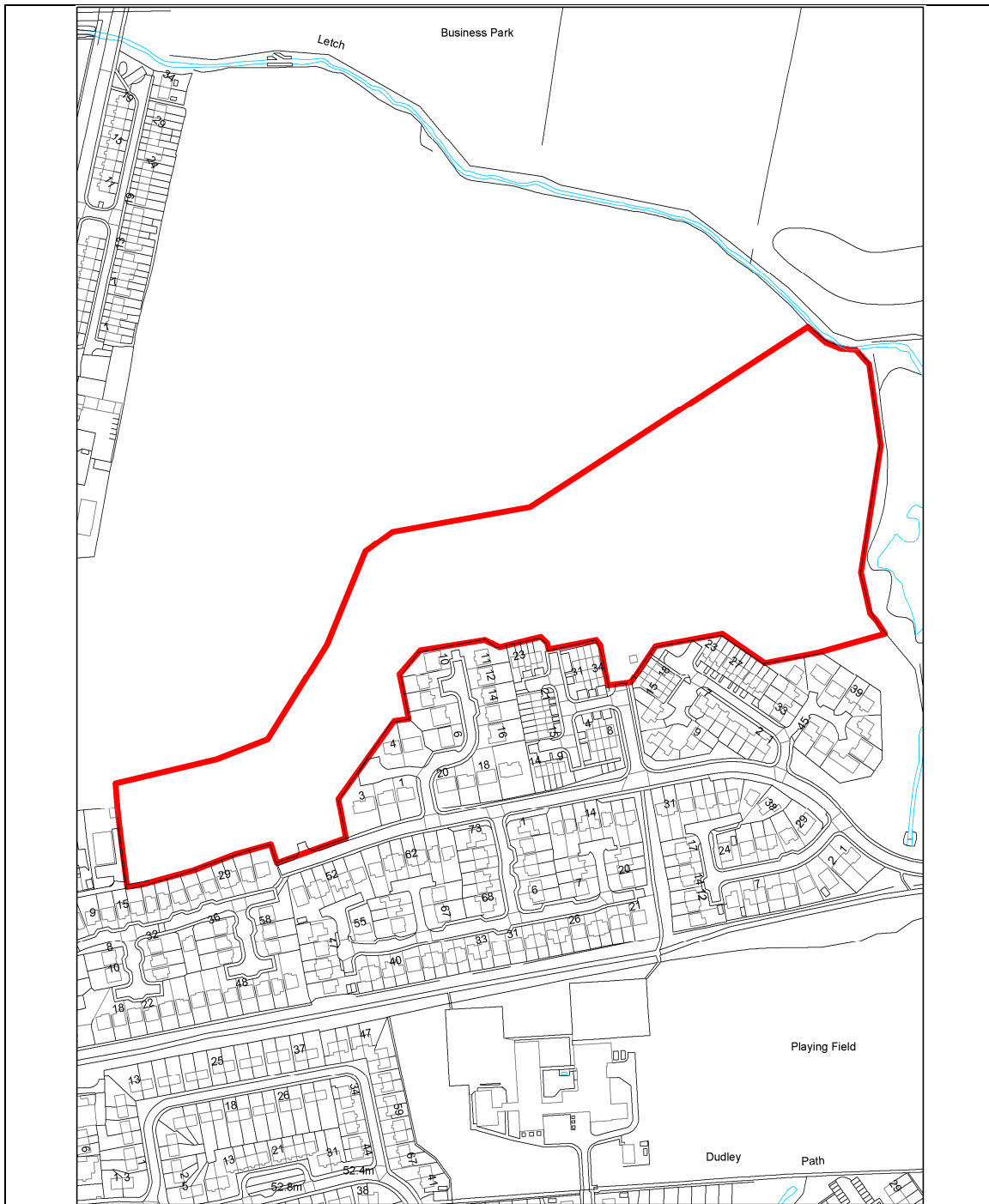
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Building Regulations Required (I03)
Consent to Display Advertisement Reqd (I04)
Contact ERH Construct Highway Access (I05)
Contact ERH Path Bridleway Xs Site (I07)
Contact ERH Works to Footway (I08)
No Doors Gates to Project Over Highways (I10)
Do Not Obstruct Highway Build Materials (I13)
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.

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.

NWL informs you that public sewers cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

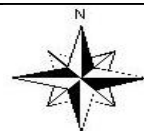


Application reference: 15/01934/OUT
Location: Land East Of North Villas And North Of, Meadowbank, Dudley, NORTHUMBERLAND
Proposal: Outline planning permission for 150 residential dwellings including access (Updated drainage 4.1.16 and updated planting strategy 8.1.16)

Not to scale

Date: 07.04.2016

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Appendix 1 – 15/01934/OUT Item 1

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

This application is an outline application for 150 residential dwellings including access. All other matters are reserved.

1.2 A Transport Assessment (TA) was submitted as part of the planning application that analysed the highway network in the vicinity of the site as well as the proposed site access. The TA demonstrated that the development will not have a significant impact on the local highway network.

1.3 An Interim Travel Plan (TP) has been submitted as part of the application. As the TP is at its early stages given the outline nature of the application, it will be developed as part of reserved matters and targets will be determined at this stage. As part of the TP, the developer has agreed to provide a one month Network One travel pass for residents after consultation with Nexus. A Travel Plan Bond (£50,000) is required and will be incorporated into the Section 106 Agreement.

1.4 A Flood Risk Assessment (FRA) was submitted as part of the application and appropriate Sustainable Urban Drainage System (SUDs) scheme will be submitted at the reserved matters stage.

1.5 Two accesses are proposed, one directly from the western end of The Wynding and another via The Wynding and Cloverhill Close with traffic joining the wider highway network at the B1505 Front Street. It is considered that the existing highway infrastructure is adequate to accommodate traffic associated with the development as there is traffic calming in place and suitable pedestrian links.

1.6 The highway layout, parking and cycle parking provision etc. will be determined at the reserved matters stage and appropriate planning conditions have been included to ensure that these elements are designed accordingly.

1.7 For the reasons outlined above and on balance we recommend that the application be approved subject to conditions.

1.8 Recommendation - Conditional Approval

1.9 The applicant will be required to enter into a Section 106 Agreement for a Travel Plan Bond for the sum of £50,000

1.10 Conditions:

ACC01 - House Est Layout Adopt Roads No Occ OUT

ACC08 - New Access: Access before Devel (OUT)

ACC16 - Exist Access Closure By (OUT) (*6 Months)

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ACC24 - Turning Areas: Laid out before Occ (OUT)
ACC27 - Traffic calming measures to 20mph
DRN01 - Housing Estate: Road Drainage (OUT)
PAR03 - Veh: Parking, Garaging, Loading (OUT)
REF01 - Refuse Storage: Detail, Provide Before Occ
SIT01 - Building Site: Compound Storage
SIT02 - Building Site: Construction Access
SIT03 - Dust suppression
SIT04 - Lorry routing

No development shall commence until a detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays 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 before the development is occupied.

Reason: 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 scheme to provide visibility splays of 2.4m by 33m on internal junctions 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.

Reason: In the interests of highway safety.

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. If the targets are not being met, the Travel Plan Bond may be invoked.

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

No development shall commence until a scheme showing pedestrian/cycle routes within the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter this scheme shall be laid out in accordance with the approved plan.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the development shall not begin until full details (i.e. routing, construction details and associated signage and waste bins) of the proposed new routes (i.e. footpaths, multi user routes etc.) have been submitted and approved in writing by the Local Planning Authority. The approved new routes shall be carried out within a timescale to be agreed with the LPA.

Reason: To improve accessibility to the adjacent highway network.

No development shall commence until a scheme for surface water management 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 before the development is occupied.

Reason: In the interests of highway safety

1.11 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.

1.12 Lead Local Flood Authority

1.13 This application is an outline application for 150 residential dwellings including access. All other matters are reserved.

1.14 A Flood Risk Assessment (FRA) was submitted as part of the application and appropriate SUDS scheme will be submitted at the reserved matters stage. A revised FRA must be conditioned.

No development shall commence until a detailed Flood Risk Assessment has been submitted to and approved by in writing the Local Planning Authority. This scheme will need to include:

- Details of the proposed attenuation pond maintenance regime and an approved maintenance contractor.
- Details of the proposed attenuation pond including cross sections/long sections and proposed depths.
- Details of properties with raised floor levels.
- Details of flood protection for neighbouring properties.

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

No development shall commence until a scheme for surface water management 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 before the development is occupied.

Reason: In the interests of surface water management and flood prevention

1.15 Manager for Environmental Health

1.16 I have viewed the objections of Newcastle International Airport (NIA) and the comments of the developer. The developer has considered aircraft noise in their mitigation measures by ensuring worst case maximum noise levels can be mitigated to acceptable levels internally at night. The objector has shown that the overall equivalent noise levels inside residential houses can meet acceptable standards in accordance with BS8233. I therefore consider aircraft noise has been appropriately considered and addressed. The noise report properly considered and monitored aircraft noise and I am satisfied with the conclusions of the noise report.

1.17 The objection from NIA suggests greater consideration should have been given to the B777 wide bodied aircraft and military jet activity. I do not agree with this opinion due to the occurrences being in the daytime period and relatively infrequent. I do not think it necessary for the applicant to carry out further noise monitoring as suggested by NIA.

1.18 Initial comments

1.19 I have viewed the noise assessment report which considers the impact of road traffic, aircraft and industrial noise on the proposed development site.

1.20 Maximum noise levels measured at the site were attributed to passing aircraft and some mitigation measures to some plots will be necessary, as set out in Table 3.0 to the noise report submitted with the application. This will be necessary to ensure that the WHO internal standard of 45dB Lmax is not exceeded.

1.21 The report concludes that other noise sources are less significant and that both daytime and night time average noise levels are sufficiently low so as not to require specific noise mitigation measures to either the dwellings, or to protect outside amenity areas.

1.22 If planning consent is granted, I would recommend the following condition:

Submit a noise scheme for the approval of the Local Planning Authority providing details of the window glazing and ventilation to be provided to habitable rooms of those dwellings affected by aircraft noise in accordance with the recommendation of the noise report.

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1.23 Contaminated Land Officer

1.24 I have reviewed the Phase 1 Geo-Environmental Desk Study February 2015, the Phase 2 Ground Investigation and Assessment February 2015 and the Ground Gas Assessment Report December 2013.

1.25 The Ground Gas Assessment Report shows that the site is classified as Characteristic Site 1, where no protection measures are required.

1.26 The Phase 2 Report showed that no previously unidentified sources of ground gas and no organic rich soils were identified during the intrusive investigations, therefore the existing Arup assessment can be considered satisfactory and the site can be characterised as Characteristic Situation 1.

1.27 I am satisfied that no gas protection measures are required.

1.28 The Phase 2 Report has shown that the chemical testing carried out identified all contaminants of concern were below Generic Assessment Criteria (GAC) levels and there was no asbestos identified on the site. I am satisfied that the site is fit for its proposed use and no remedial works are required.

1.29 Landscape Architect

1.30 This is a revised layout that has reduced the number of units by 5 from the area to the north of Woodcroft Close which allows an additional area of trees to be retained. It is unfortunate the design is at a stage where the decision to lose large section of existing landscape planting has already been made, therefore the revised plan showing the removal of 5 units from the area to the north of Woodcroft Close allowing an additional area of trees to be retained is welcomed.

If we cannot retain existing trees then the level of mitigation planting for this loss becomes more important. The overall planting strategy and mitigation proposals is acceptable in principle but will need to see the finer detail i.e. species lists. It is important that the planting proposals meet the objectives of the landscape strategy making a positive contribution to the environment of Annitsford Nature Reserve and the wider area through the promotion of biodiversity and sustainable landscape design.

1.31 It will be necessary to remove some of the existing tree groups to facilitate the proposed development and to establish a higher level of arboricultural management for the site. The trees have been assessed in accordance with BS 5837 and is acceptable and have been categorised as follows; no trees have been categorised as high value (A); Tree 4, Group 4 and parts of groups 3 and 9 have been categorised as moderate value (B); Trees 1-3 and 5, Groups 5-6 and 8, Hedgerow 7 and part of hedgerow 8 have been categorised as low value (C).

Trees 1-5, groups 5-6, 8, hedge 7, parts of groups 3, 4 and 9, and hedge 8 will need to be removed to facilitate the construction of the new buildings and associated infrastructure. Trees within groups 3 and 4 will be lost to make room for development and are shown on the revised 'Southern Boundary Planting Strategy' plan. A tree buffer between 2 – 4 meters will be retained in this area. Trees will be thinned out to remove poor-quality individuals in favour of stronger, better developed trees. Large trees which are inappropriately located and growing in conflict with boundary fences will be removed. Where there are gaps a mixture of native evergreen and deciduous trees will be planted.

1.32 The alignment of the paths may also require the removal of trees in groups 1-3 and 11-12 although it is proposed to assess the extent of this on site as the paths should be aligned to minimise tree removal. Once the position of the paths is confirmed, informed management/construction recommendations can be made with the Tree Protection Plan (TPP) accordingly adjusted. In support of the application an arboricultural impact assessment (AIA) and method statement (MS) has been provided. By using the protective elements dictated by British Standard 5837, and as described in the method statement, no significant damage should take place during the construction phase.

1.33 Conditions:

- All works are to be carried out in accordance with the Arboricultural Impact Assessment, and the Arboricultural Method statement (AMS) and associated drawings. A Tree Protection plan (TPP) must be submitted for approval.
 - No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Authority and implemented as recommended in BS 5837:2012.
 - Fully detailed landscape plan which should include new tree planting to a minimum size of 12-14cm girth; heavy standard; 3.50 – 4.00m height.
 - Contractors site access and site set up to be submitted for approval in conjunction with the tree protection plan. No site storage, parking is to be located within the RPA of the retained trees.
 - No utilities or drainage 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).
 - Details of any pruning works to the retained trees particularly those associated with any new footpath construction. All tree works must conform to BS 3998 (2010) 'Recommendations for Tree Work'.
 - No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:
In carrying out the development, the developer shall conform with the recommendations in BS 5837:2012 in relation to the protection of trees during construction and the details within the AIA
- a) There shall be no changes in ground levels;
 - b) No materials or plant shall be stored;
 - c) No buildings or temporary buildings shall be erected or stationed;
 - d) No materials or waste shall be burnt;
 - e) No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.
- A woodland/landscape management plan for the long term management of the must be submitted to the Local Authority for approval, prior to development commencing.

1.34 Ecology Officer

1.35 The above application site is within an area of agricultural land that lies to the west of Annitsford Pond Local Wildlife site (LWS) and Nature Reserve.

1.36 Surveys undertaken by Arup in 2013 and updated in 2015 by Capita, show the land to be developed to be mainly arable land, with some woodland and scrub around the boundaries of the site. Sandy's Letch watercourse flows along the north of the site into Annitsford Pond to the east, supporting riparian habitat that is of ecological value to species such as bats, breeding birds and otter.

1.37 The housing development will result in the loss of arable land of low ecological value, with the removal of low value and some moderate value broadleaved woodland to the south of the site to accommodate the housing layout. The loss of this woodland, whilst not ideal, will be mitigated by 'replacement buffer planting' which will be locally native and of value to species such as breeding birds and bats. In addition, trees will be planted in the proposed buffer area between the housing and Annitsford Pond and it is considered that if planted appropriately, this will adequately mitigate for the loss of trees to the south of the site.

1.38 A 2-4 metre strip of planting will also be retained along the majority of the southern tree belt (the moderate value trees). Low value trees in this strip will be removed and replaced with native species and moderate value trees will be retained but thinned out to allow stronger and larger individual trees to flourish. If carried out appropriately, this will improve the health of this tree strip. However, it is important that a 'Tree Management Plan' is submitted as part of the application to ensure that appropriate management works and re-planting takes place. The 2-4m planting strip will be planted in the gardens of the proposed dwellings, which is not ideal as this makes the planting vulnerable to removal and there is a lack of control in terms of future management. However, this issue is being dealt with by the use of a covenant on the planting strip, which will hopefully ensure that the planting is not removed in the future.

1.39 Protected Species

1.40 Breeding Birds

1.41 A total of 43 species were recorded within the agricultural field and its immediate vicinity i.e Annitsford Pond, Sandy's Letch riparian corridor and woodland planting to the south of the site. The majority of breeding species were recorded within and around Annitsford Pond and Sandy's Letch where the best habitat is found for many of these breeding bird species. The most notable species recorded breeding on site was house sparrows (11 pairs) which were found close to existing housing. 2 pairs of skylark were also noted to be breeding within the agricultural land. In total, seven red listed species were recorded on site, four of which were S41 priority species noted as breeding on site (dunnock, reed bunting, skylark and starling). As a result of this, adequate mitigation should be provided on or off site to mitigate for the loss of habitat that these species utilise. Most of these species will be adequately mitigated for by the inclusion of some farmland bird habitat into the green buffer corridor to the east of the housing site, as well as hedgerow and scrub planting. However, it is unlikely that there will be adequate space to provide the right type of habitat required for skylark. I would recommend, therefore, that an offsite contribution towards management of fields at the Rising Sun Country Park for skylark (or an

alternative suitable site) is secured. This will also help to mitigate for the loss of arable land being used by lapwing and grey partridge as a wintering site (see below).

1.42 Wintering Birds

1.43 A total of 40 species were recorded on site during the wintering bird survey. The dominant wintering birds recorded within this habitat included common gull and black-headed gull. 6 red-listed species (5 of which are also S41 NERC Priority Species) were also recorded which included grey partridge, house sparrow, lapwing, lesser redpoll, starling and yellowhammer. As stated above, adequate mitigation is required for the loss of habitat being utilised by these species. Most of this can be secured by adequate habitat creation for farmland birds within the green buffer strip proposed to the east of the site. However, an off-site contribution, as stated above, will need to be secured to provide mitigation for species such as lapwing and grey partridge.

1.44 Great Crested Newt

1.45 No great crested newts were recorded on either Annitsford Pond or within Northumberland Business Park Pond during the 2013 surveys. Both ponds are deemed to be sub-optimal for this species, however, other notable amphibian species were present including common frog, common toad and smooth newt. Whilst the area around Annitsford will be protected by a buffer from the housing development, it is recommended that all development works for this scheme are undertaken to an Amphibian Method Statement, which should be conditioned as part of the application. In addition, as 3 species of amphibian were found adjacent to the site, amphibian hibernaculum should be created within and around Annitsford Pond.

1.46 Otter/Water Vole

1.47 From the otter and water vole surveys undertaken in 2013, it is considered that Sandy's Letch is used as a foraging area at times for otter. However, overall, it was considered to be of low potential for both species. Any areas used by otter would be largely confined to Annitsford Pond and Sandy's Letch riparian buffer. It is recommended that works are undertaken to an Otter/Water Vole Method Statement, which should be conditioned as part of the application.

1.48 Bats

1.49 Low numbers of foraging/commuting bats (pipistrelle and Myotis species) were recorded on site, mainly along Sandy's Letch riparian habitat and Annitsford Pond, where the best habitat is located for these species. The habitat that is being lost (arable land and a small area of broadleaved woodland to the south of the site) is sub-optimal for bats and was not being utilised by these species. Therefore, impacts on bats will be minimal and would be compensated by new habitat creation within the green buffer corridor proposed to the east.

1.50 Badger

1.51 No signs of badger were recorded during the site survey, however, it is recommended that a badger checking survey is undertaken immediately prior to any construction activity on site.

1.52 Landscaping

1.53 A large area between the proposed housing development and Annitsford Pond Nature Reserve has been identified as a mitigation area for biodiversity, sustainable urban drainage (SUDs) and amenity provision. As stated above under the 'breeding and wintering bird' sections, it is essential that a large proportion of this area is set aside to create habitat that will mitigate for the impacts on farmland birds. These areas should be designed to accommodate these species by providing scrub, hedgerow and wildflower meadow areas. At present, this planting area is only illustrated on the plans, with no detail. It is important that the detailed design of these areas takes into consideration the mitigation required for farmland birds and involves the input of both the Councils Biodiversity Officer and Landscape Architect.

1.54 The landscape plans should also incorporate planting within and around the scheme that adequately mitigates the loss of broadleaved woodland to the south of the site.

1.55 The principles of the submitted 'Planting Strategy Supporting Statement' should also be incorporated into any detailed landscape plans.

1.56 SuDS

1.57 A balancing pond is proposed as part of the scheme, within the green buffer area to the east of the housing. Details of this attenuation pond, including size, depth, profiles, planting, inlet and outlets etc must be submitted for approval. The pond and its connection to Sandy's Letch, should be designed to maximise biodiversity and be sympathetic to its surroundings. This should include considering green swales instead of pipes connecting the pond to the outfall at Sandy's Letch. Details of the outfall to Sandy's Letch must also be submitted for approval and protected species surveys (water vole/otter) must be undertaken prior to any works being undertaken for the outfall. In addition, the SuDS scheme should clearly demonstrate that it provides water quality improvements by reducing sediment and contaminants from runoff, through a SuDS management/treatment plan. Full details should be conditioned to ensure its inclusion within the scheme.

1.58 Please attach the following conditions to the application:-

1.59 Conditions

- Detailed landscape plans must be submitted to the Local Authority for approval prior to the development commencing. The plans must provide habitat creation for farmland birds (scrub, hedgerows, wildflower meadow grassland) as well as woodland/scrub planting to mitigate for the loss of broadleaved woodland on site.
- A detailed landscape management plan must be submitted to the Local Authority for approval prior to the development commencing.
- A detailed Tree Management Plan must be submitted to the Local Authority for approval prior to the development commencing. This should provide details of tree removal in the 2-4m woodland strip to the south of the site and appropriate re-planting details.
- A S106 contribution will be required to deliver off-site mitigation for farmland birds at the Rising Sun Country Park, or an alternative suitable site as approved by the Local Authority.

- Full details of the SuDS scheme must be submitted to the Local Authority for approval prior to the development commencing. This should include the size, depth, profile, planting and inlet/outlet details of the SuDS scheme. The SuDS scheme should clearly demonstrate that it provides water quality improvements by reducing sediment and contaminants from runoff, through a SuDS management/treatment plan.
- A riparian mammal checking survey must be undertaken prior to the installation of any outfall to Sandy's Letch as part of the SUDs scheme. Details to be submitted to the Local Authority for approval prior to works commencing.
- No vegetation removal shall take place within the bird breeding season (March-August inclusive) unless a survey by a qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.
- Adequate tree protection measures must be followed as set out in the Arboricultural Method Statement.
- An 'Otter/Water Vole Working Method Statement' must be submitted to the Local Authority for approval prior to development commencing.
- An 'Amphibian Working Method Statement' must be submitted to the Local Authority for approval prior to development commencing.
- 2 Amphibian hibernacular to be created within the Annitsford Pond/Green Buffer area. Details of design and location to be submitted to the Local Authority for approval prior to development commencing.
- A badger checking survey must be undertaken immediately prior to works commencing on site and a working method statement in place if required. Details of the survey to be submitted to the Local Authority for approval.
- A lighting plan must be submitted to the Local Authority for approval prior to development commencing to ensure there will be no adverse impacts on adjacent ecological habitats. Details should include type of lighting and light spill areas.
- A construction method statement must be submitted to the Local Authority for approval prior to development commencing detailing pollution prevention measures to ensure there will be no adverse impacts on Annitsford Pond, Sandy's Letch or any other ecological habitat.
- 10 bird and 10 bat boxes to be provided within the scheme. Details of design type and location of boxes to be submitted to the Local Authority for approval prior to development commencing.

2.0 Representations

2.1 15 letters of objection have been received. The objections are summarised below:

- Adjacent to a nature reserve and would impact on the wildlife that uses this area.
- Annitsford Farm naturally floods during moderate to heavy rainfall, building here would have an adverse affect on existing properties and considerable affect on new builds which will be closer to the centre of the flood plain.
- The Wynding is 20mph not 30mph.
- Traffic calming will be made higher. It is already too high for 20mph, affecting my cars suspension.
- The Wynding is already congested and reduced to one lane during the day and night due to on street parking. Increasing the housing stock by 150 will have an adverse affect on the day to day commute of the local community.
- Children play close to this area.

- First consultation informed us that only 15 houses would use The Wynding, the remaining would use Broad Law. We are now told 150 will use The Wynding and The Bridleway.
- This will increase car pollution in the local area and increase congestion due to traffic on The Wynding which is used as a drop off/pick up point for the school.
- Increase car usage will impact on pedestrian and cyclists safety.
- There is an ideal area at Sandy Lane that can be used, and is actually advertised for building which would not impact on an already congested area next to an area of natural beauty for wildlife.
- Adverse effect on wildlife.
- Inadequate drainage.
- Inappropriate design.
- Loss of privacy.
- Loss of/damage to trees.
- Impact on landscape.
- Out of keeping with surroundings.
- Poor/unsuitable vehicular access.
- Poor traffic/pedestrian safety.
- Impact on conservation area.
- Buffer of two to four metres will be retained at part of the south boundary adjacent to some of the Meadowbank properties. This is not the case with Nos. 23, 25, 27 and 29 Meadowbank as a buffer of only 1.5 metres is proposed. Why is this narrower?
- Amounts to discrimination as not all of the properties are to be treated the same.
- At the consultation, officers explained that the buffer bordering Nos. 23, 25, 27 and 29 Meadowbank would be evergreen trees. This buffer amounts to only the width of one conifer. If these trees die it would result in a permanent gap in the buffer.
- A consistent tall tree width buffer of 2m-4m would ensure: all properties were treated equally, a corridor for small wildlife and privacy should some of the trees die.
- Surface water drainage behind Nos. 23, 25, 27 and 29 Meadowbank is poor. A much wider buffer of tall trees would help as they would consume some of the water.
- I was advised at the consultation that the property deeds would prevent owners from removing the trees. How will this be enforced by a cash strapped Council or land management company. Why can't a wider buffer be on land not owned by the property owners?
- No reports on school capacity and the local health centre capacity to take new patients.
- Asked at the consultation event about pollution from aircraft and traffic. None of these reports have been provided bearing in mind the Government has insisted this takes place for Heathrow airport.
- Bridge entry from the north of the site is still not considered.
- Construction traffic and noise is not considered.
- Maintenance records for existing trees over the last 23 years, could you please provide a copy of these.
- The noise survey does not give any details of the noise of aircraft, can you please advise what the decibel readings were on landing aircraft, and the same for taking off aircraft, what the frequency at peak times of the year is, and given Newcastle's airport expansion plans the future planned aircraft activity

- Also can you advise what advice will be given to potential buyers of not only the ambient noise but the peak noise and frequency in the summer months. I live next to this planned development and can assure any potential buyers that in the summer months sitting in the garden is not a pleasant experience. I think it is the duty of the council to make sure developers advise all future tenants of the disturbance caused by aircraft, day and night, please note Newcastle airport run under a 24 hrs operating license.
- There is to be a compulsory purchase order on the Clayton Arms to make that an access. Dudley Lane can take no more traffic. Knocking down the pub will leave the village with limited facilities.
- Drainage will just move the water table to another part of the field.
- On the field there is a large pond with all kinds of wildlife.
- Within Green Belt/no special circumstance.
- Nuisance and disturbance.
- Gardens will be washed away if trees are removed.
- Extensive build programme causing years of disruption.
- Consultation period not acceptable.
- Site is used as a flood plain. Building on this land will increase flood risk.
- A holding pond in Whitley Bay burst and caused flooding.
- Area identified on Environment Agency website as a flood area.
- Current school network is not large enough to accommodate children from 400 homes.
- Informed that nothing could be built in front of use as this was a blast zone from the chemical factory. How can this now not exist?
- People who work in the factory have informed us that the chemicals currently being used are worse than those previously.
- What will stop people from cutting down trees in their gardens?
- Pollution of watercourse.
- Precedent will be set.
- Inappropriate in special landscape area.
- Loss of residential and visual amenity.
- Dust, dirt, fumes and noise.
- This is marshy land unsuitable for development.
- Annitsford pond has not been dredged for a number of years. Will this increase flooding?
- No mention of compulsory purchase order in documentation. Object to the loss of the Clayton Arms.
- Existing vegetation that assists with drainage is to be removed. This could have an effect on drainage to existing properties.
- Will the existing fencing be kept and used as the common boundary to the development site? If so, will new tenants be jointly responsible for its future maintenance?
- Original development showed the access from the north of the site. Access from The Wyndings was to be limited to 40 units. This has now been increased to 150 units as Northumberland County Council will not allow access from the north.
- How has the traffic survey come to the conclusion that 150 units can be accommodated from The Wyndings?
- Accesses shown on the plan could provide access through to the remaining part of the site.
- How will local services (doctors, schools) cope with added demand?

-Why do residents still receive annual reminders from the factory if the alarm is sounded?

-Newcastle Airport plans to expand from 62,200 aircraft movements per year to 87, 500 movements per year by 2030. Why is the Council considering building under a flight path that is only going to get noisier. No consideration has been given to this expansion or the quality of life for future residents. The master plan needs to be considered in the noise report.

3.0 External Consultees

3.1 Environment Agency

3.2 The Environment Agency's Position:

I can advise that the Environment Agency raises no objection to the proposed development provided the following conditions are attached to any planning approval granted:

3.3 Development and Flood Risk Management

3.4 The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment (Arup: North Tyneside Council; Annitsford Farm; Flood Risk Assessment; FRA; Rev C | 23 July 2014) and other planning documents (Capita: Development Masterplan; PR1-CAP-00-XX-DR-A-000000; 12-11-2015) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

3.5 Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Arup: North Tyneside Council; Annitsford Farm; Flood Risk Assessment; FRA; Rev C | 23 July 2014) and the following mitigation measures:

- 1.The ground floor level of all properties is elevated to at least 1.2m above the level of the nearest extent of Flood Zone 3, i.e. it is within the 'Developable Area' delineated in Figure 4 of the approved FRA.
- 2.There shall be no ground raising in Flood Zone 3.
- 3.The development shall be carried out in accordance with the development layout outlined in the Development Masterplan (Capita: Development Masterplan; PR1-CAP-00-XX-DR-A-000000; 12-11-2015).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

3.6 Reason

- 1.To ensure safe access and egress from and to the site.
- 2.To reduce the risk of flooding to the proposed development and future occupants
- 3.To reduce the risk of off-site flooding resulting from the development

3.7 Further comments

-It should be noted that consent from the EA would be needed for any works within 5m of the watercourse

-The Lead Local Flood Authority is now the primary consultee for surface water

and ground water flooding issues.

3.8 Fisheries, recreation and Biodiversity:

3.9 The submitted plans indicate a buffer zone protecting the watercourse and Annitsford pond which includes various green infrastructure improvements. The use of SUDs with natural vegetation forming part of the green infrastructure of the site is welcome, however a maintenance plan should be produced in order to ensure maximise benefits for biodiversity for the SUDs and other green infrastructure within the development. This could be submitted with the detailed planning application.

3.10 The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 15 metre wide buffer zone around the *watercourse, pond and wetland*.

3.11 Condition

No development shall take place until a scheme for the provision and management of a buffer zone alongside the *watercourse, pond and wetland* shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.

Reasons

Development that encroaches on *watercourses, ponds and wetlands* has a potentially severe impact on their ecological value.

3.12 Land alongside *watercourses, ponds and wetlands* is particularly valuable for wildlife and it is essential this is protected.

3.13 This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

3.14 Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

3.15 Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan.

3.16 Further Advice:

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.

3.17 Tyne and Wear Archaeology Officer

3.18 An archaeological desk based assessment was produced in 2012.

3.19 The report concluded that the only known archaeological feature recorded on the Historic Environment Record within the site was a linear, but this is actually a modern service not an archaeological feature.

3.20 Given that the site is undeveloped greenfield however, archaeological features could exist, and so a geophysical survey was recommended.

3.21 The geophysical survey was carried out in April 2015 by AB Heritage. The survey identified a number of anomalies which could represent archaeological features – circular features and parallel linears.

3.22 In August 2015 archaeological trenches were excavated by Wardell Armstrong across these anomalies to ascertain if they were archaeological in origin. Eight trenches were excavated.

3.23 The trenches were devoid of archaeological features. The geophysical anomalies were in response to changes in the natural geology and to modern land drains.

3.24 No further archaeological work is required.

3.25 Northumbrian Water

3.26 Following the submission of a revised drainage plan, we are able to provide the following updated response with regard to foul flows. Our previous comments relating to surface water drainage, provided in our response dated 23rd December 2015, remain valid.

3.27 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Revised Drainage Plan – Drawing No. 201, Rev. B*". In this document it states that foul flows from the proposed development will discharge to the existing combined sewerage network at manholes 4101, 4102, and 6101.

3.28 We would therefore request that the *Revised Drainage Plan – Drawing No. 201 – Rev. B* form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

3.29 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored.

3.30 Initial comments

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

3.32 Having assessed the proposed development against the context outlined above we have the following comments to make:

3.33 With regard to surface water, we would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Outline Drainage Strategy Report*", which states that surface water will discharge to the watercourse.

3.34 However, with regard to foul flows, we note that certain connection points proposed vary to those stated within the pre-development enquiry response issued by Northumbrian Water. Whilst we would have no issues to raise with the connections proposed to manhole 6101 and manhole 4102, we have concerns regarding the western connection to the trade effluent sewer at the manhole with cover level 52.40. The flows from the western portion of the site would be permitted to discharge to the 375mm diameter combined sewer at manhole 4001, or the 150mm diameter foul sewer at manhole 4008.

3.35 As the planning application at present does not provide sufficient detail with regards to the management of foul water from the development for NWL to be able to assess our capacity to treat the flows from the development, we would therefore request the following condition. Should the foul connection points be updated to reflect the above comments, we would be able to issue an updated response.

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

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

3.37 For information only

3.38 We can inform you that public sewers cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

3.39 Newcastle International Airport (NIA)

3.40 Final comments:

3.41 NIA would be content with the suggested condition subject to it being in consultation with the airport.

3.42 Further comments:

3.43 NIA's approach to noise has always been that the noise contours are a starting point to understand the potential noise impact of the airport on a particular development. Where, for the most part, NIA considers only developments within the contours, in some circumstances there are schemes proposed in areas which are known to experience noise complaints. This site is in an area where departing aircraft will be turning overhead. As no departing aircraft have been captured as part of the submitted noise monitoring, NIA and the LPA would be unable to accurately determine any form of mitigation which may be required for the development. We maintain therefore that full noise monitoring should be undertaken. This is usually one month's full monitoring during the peak summer period to allow for a good data capture of both aircraft departing and landing at typical summer volumes, which can be up to 200 movements per day. While the applicant outlines that they have provided 'typical day' noise information, NIA maintains that the monitoring provided is insufficient. Typical aircraft movements do not constitute arrivals only and nor do we consider data capture of around 21 movements to be representative of NIA's activity. Similarly, the applicant also outlines that military aircraft are not considered to be typical of the NIA noise environment. As NIA is a co-opted military airfield, it must therefore accommodate all military landings upon request. In 2015, over 200 military movements were recorded at NIA. We would therefore consider that this type of activity, whilst not as frequent as commercial aircraft, to be typical of NIA's operations.

3.44 The above considered, NIA has a fixed noise monitor at Seaton Burn College. While this is not directly adjacent to the proposal site, we would be happy to offer peak summer information to the developer which their acousticians may be able to utilise in providing a satisfactory noise assessment. Based on the current information provided, however, NIA would maintain its objection to the scheme. While additional monitoring may conclude that further noise mitigation is not required, NIA has a duty of care to ensure that this thoroughly considered. Where noise is not adequately considered within the planning system and properties experience high volumes of noise once occupied, the onus would then be on the airport to remedy the situation.

3.45 Initial comments:

3.46 The proposal has been assessed by the Aerodrome Safeguarding Team and I have the following comment to make.

3.47 Physical development

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

3.49 Noise

3.50 Airports over a certain size are required to produce noise contours which outline anticipated noise impact within the local community. The contours model anticipated noise impact, including proposed growth in traffic numbers and are the starting point for assessing noise impact in relation to new development. The contours are published both on the airports website within the masterplan, but also to local authorities to be embedded in local plans and distributed to potential developers, where appropriate. The proposed site lies within the 2030 48db LAeq (8 hr) contour for night. I consider that this information is a starting point to ensure that a thorough noise assessment is taken in relation to aviation.

3.51 Having considered the information provided by the developer in relation to noise, NIA notes that the information provided was only over three days, for short periods of time. During each of the period of noise monitoring there is limited reference to aviation. As standard, for schemes which are likely to be subject to aircraft noise, NIA requests noise monitoring be carried out for one month during the busy summer period between June and September, the optimal months being July and August. This allows a good sample of noise to be collected when the runway is operating in both directions, and measurements can be taken for aircraft both departing and arriving over the site. Newcastle International Airport (NIA) operates from one runway and the direction of use is dependent on weather conditions, aircraft need to take off into the wind. Runway designations are referred to as Runway 07 easterly departures and Runway 25 arrivals from an easterly direction. Due to the wind direction on the dates when the noise monitoring took place, only arriving aircraft were recorded. This considered, the monitoring appears to have only recorded an incredibly small sample of 21 aircraft which did not include the largest aircraft operating from NIA, the Emirates B777. Having checked NIA's noise and track keeping system for the period in question it also appears that some movements have not been referenced, notably an RAF Hawk Harrier Jet. NIA can facilitate up to 200 flight movements during a busy summer day and as such, considering only 21 movements as a sample is considered inadequate.

3.52 The above outlined, it is imperative that noise is fully considered prior to making an informed determination of this planning application. The onus is on the developer to demonstrate that aircraft noise would not result in any detriment to the residential amenity of the future residents of the development. NIA do not consider that the developer has demonstrated this to a satisfactory degree to date. On this basis NIA would therefore recommend that the application be refused due to the lack of information relating to noise and the likely impact of aircraft noise on the future amenity of residents of the proposed development. Alternatively, should the developer be in a position to provide one continuous

month's worth of noise data for the site which satisfactorily considers aircraft noise, I would be happy to consider this further.

3.53 SUDS Ponds

3.54 There is a general presumption against the creation of open water bodies within 13 km of an aerodrome, which in relation to this scheme is NIA. This is due to the increased likelihood of bird strike as a result of habitat formation within close proximity to the flight path, when aircraft are typically flying at lower level having departed or preparing for arrival at the aerodrome. NIA would therefore expect that all permanent open water bodies associated with the scheme be fully covered. This would take the form of reed beds and netting, with the netting proposed as a temporary measure until the reed beds become established.

Within this submission reference is made to the requirement of flood attenuation through SUDS. Within any further planning submission I would expect to see a detailed proposal for these works. The proposed SUDS Ponds should be designed in such a way that prevents them from becoming a bird attracting feature. The following condition, or something similar, should be attached to any planning permission;

*Notwithstanding the approved plans, the proposed flood alleviation scheme in the form of SUDS Ponds and Swales, should be designed in accordance with aerodrome safeguarding best practices and should be approved in writing by the local planning authority, in consultation with Newcastle International Airport.
Reason: In the interests of aerodrome safeguarding.*

3.55 Landscaping

3.56 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. Species which provide a food supply in the form of fruits, nuts and berries should not be used on site in quantities greater than 10%. This should be conditioned as part of the planning permission.

3.57 Lighting

3.58 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.

3.59 Renewable energy sources

3.60 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.

3.61 The Coal Authority

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

3.63 The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to

inform the Phase 1 Geo-Environmental Desk Study Report (February 2015, prepared by Capita), which accompanies this planning application.

3.64 The Phase 1 Geo-Environmental Desk Study Report correctly identifies that the application site may have been subject to past coal mining activity. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with coal that outcropped across the site.

3.65 Whilst the Phase 1 Geo-Environmental Desk Study Report was informed by an appropriate review of existing sources of mining and geological information and confirms that shallow mine workings pose a low risk to the stability of the proposed development, in the absence of detailed intrusive site investigations, the Report concludes that mine workings cannot be fully discounted.

3.66 Accordingly, site investigations were undertaken, the results of which are reported in the accompanying Phase 2 Ground Investigation Report (February 2015, prepared by Capita). On the basis that the report is able to confirm that the site can be considered stable, The Coal Authority has no objections to this planning application.

3.67 The Coal Authority considers that the content and conclusions of the Phase 1 Geo-Environmental Desk Study Report and the accompanying Phase 2 Ground Investigation Report are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent Building Regulations application.

3.68 Northumberland County Council

3.69 No objection.

3.70 Nexus

3.71 Nexus would like to commend the developer for the measures included in section 6.2 of the Travel Plan included with the application. Nexus notes the inclusion of measures to promote public transport but feel that these could go further. Due to the location of the development and the fact that public transport will be unable to penetrate the site it is felt that more needs to be done to incentivise residents to use public transport as much of the development will fall outside of the recommended 400m walking distance to a bus stop.

3.72 Nexus would request that the council works with the developers to obtain section 106 funding to pay for four-week all zones Network One travel passes for residents to be included in the resident's welcome pack. We would ask for two four-week all zones Network One passes per dwelling as a minimum as these would be valid on all services in the area. This would act as an incentive for residents to start using public transport and therefore prevent a large number of vehicles from being added to the already congested roads in the area.

3.73 Health and Safety Executive (HSE)

3.74 As the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, there is no need to consult HSE on this application, and HSE therefore has no comments to make.

3.75 Shasun Pharma Solutions is not a licensed explosives site.

3.76 Highways England

3.77 No objection.