

Item No: 3
Application No: 15/01999/OUT Author: Haley Marron
Date valid: 14 December 2015 ☎: 0191 643 6330
Target: 14 March 2016 Ward: Collingwood
decision date:

Application type: outline planning application

Location: Moorhouses Covered Reservoir, And Land East Of , 11 Tiverton Avenue, Billy Mill Lane, North Shields

Proposal: Residential development (Use Class C3) with associated access.

Applicant: Northumbrian Water Ltd, C/O Agent

Agent: Nathaniel Lichfield And Partners, FAO Gayle Black Generator Studios
Trafalgar Street Newcastle Upon Tyne NE1 2LA

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. 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 and
- Whether sufficient parking and access would be provided
- Other matters including ground conditions, archaeology, biodiversity, flood risk and drainage.

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. Description of the Site

2.1 The application site is located off Billy Mill Lane in North Shields. The site consists of two adjacent parcels of land measuring 3.2 hectares in total.

2.2 The lower section lies to the east of Billy Mill Lane and north of Whitehouse Lane. The upper area is bound by existing residential properties of Tamar Close, Tiverton Avenue, Taunton Avenue and Blandford Road.

2.3 The lower section contains a redundant covered reservoir on an elevated platform approximately 2-3m high. There is a valve house and Pumping Station within this part of the site. A stone wall forms the boundary treatment. The upper section of the application site is public field and has a much more gradual topography.

2.4 Immediately to the north of the site is an existing footpath and beyond another covered reservoir. Existing housing stock surrounds the rest of the site.

2.5 The A1058 Coast Road lies around 600m from the most southern boundary of the site providing connections.

2.6 The upper section of the site is designated as General Open Space in the Unitary Development Plan, 2002. The lower section has no allocation or designations.

3.0 Description of the Proposed Development

3.1 The proposal seeks outline planning permission for housing (up to 50 dwellings) with a new access road from Whitehouse Lane.

3.2 This is an outline application with only access being considered at this time. All other matters are reserved for subsequent approval.

4.0 Relevant Planning History

4.1 None

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. Government Policy

6.1 National Planning Policy Framework (2012).

6.2 National Planning Policy Guidance (2014).

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 having regard to the loss of designated general open space
- The impact of the proposal on amenity and upon the character and appearance of the surrounding area; and
- Whether sufficient car parking and access would be provided.
- Other matters including ground conditions, archaeology, biodiversity, flood risk and drainage.

7.2 No representations have been received from residents as a result of the publicity given to this application.

7.3 Consultation responses from internal and external consultees 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.

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 entire site is identified within the Council's Strategic Housing Land Availability Assessment (2015/16) as a potential site being able to deliver housing.

8.7 The Council's Local Plan Pre-Submission Draft 2015, includes the entire site as a potential site to meet future housing requirements.

8.8 The southern section of the site has no designations or allocations within the UDP and is currently occupied by a redundant covered reservoir consisting internally of brick chambers and steel columns. The land is brown field land and there are no objections in principle to the development of this part of the site.

8.9 The northern section of the site is Greenfield according to the definition of NPPF. NPPF identifies Core Planning Principles one of which is to encourage the effective use of land by using land that has been previously developed (brown field land).

8.10 In the UDP the northern section of the site is designated as General Open Space according to policies R2/1 and R2/2. It is clear that the development of the northern section would not be on previously developed land. Whilst NPPF encourages the use of previously developed land it is not a prerequisite.

9.0 Loss of the Open Space

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

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

9.2 Policy R2/1 states that land shown on the proposals map for the purpose of open space use, including playing fields of schools, will be retained in its present use.

9.3 Policy R2/2 states that development of land shown in the proposals map for open space use will not be permitted where this will amongst other matters result in a reduction in the open nature of the land or where this causes a significant loss of local amenity.

9.4 The northern part of the site is allocated as General Open Space by the UDP and appears to be used by members of the public, as evidenced by the desire

lines crossing the site. The land also appears to contain former tennis courts which suggest it once performed a recreation/sporting function.

9.5 The northern part of the site is assessed as medium quality and value within the Green Space Strategy 2015. Appendix 8 of The Green Space Strategy looks at the accessibility of households to the different types of open space. This concludes that 99.9% of households in Collingwood Ward are within 300m of accessible green space.

9.6 The applicant has submitted an Open Space Assessment in support of this planning application. It submits the proposals do not represent a significant loss of open space because there is an opportunity to incorporate open space as part of the development.

9.7 The applicant advises there are underground services around the perimeters of both sections of the site. For these reasons the applicant states, these areas are not appropriate for built development. There is therefore an opportunity to re provide quality open space in the northern section and introduce public open space in the southern section where there had previously been none (due to the location of the reservoir).

9.8 The applicant submits that the retained open space would be qualitatively improved through sensitive landscaping, surfacing and natural surveillance. It also submits that there are problems of anti social behavior on the northern part of the site due to its accessible and relatively secluded location.

9.9 Officers agree that the ward has excellent access to informal open space. Officers also accept that there is clear evidence of anti social behavior on site including fly tipping and bonfires. There is also scope to re provide better quality public open space as part of the development and as such impact on there will not be a significant loss of open space in the area.

10.0 North Tyneside 5-Year Housing Land Supply

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

10.2 The North Tyneside Local Plan Pre-Submission Draft 2015 establishes the Council's preferred level of future housing growth to 2032 based on the latest evidence of need. Reflecting this position, and after incorporating a 5% buffer, there is a minimum requirement for 6,109 new homes between 2015/16 and 2019/20. This is an increase over the previous figure and reflects the most up to date household projections.

10.3 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. This figure comprises new homes expected to be delivered from sites which already have planning permission, sites which are yet to gain permission (such as this) and a proportion of delivery from windfall sites. There is

a shortfall of 1,929 homes against the Local Plan requirement. This means there is at present 3.40 years supply of housing land. Maintaining supply is dependent on the approval of further planning permissions for identified sites such as this as well as windfall sites.

10.4 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.

10.5 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.

10.6 Furthermore, the applicant proposes 25% on site affordable housing. The actual number affordable units will be determined at reserved matters stage when total housing numbers are known. The proposed percentage is in line with Council Policy and the provision of affordable housing and tenure mix can be secured by way of a S106 Legal Agreement. The Housing Strategy Manager has no objections to the application.

11.0 Impact on amenity and character of the area

11.1 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.

11.2 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.

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

11.4 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 2010. 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.

11.5 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.

11.6 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.

11.7 As the application is in outline form, the principle of residential development and access is being considered at this time. The layout, scale, landscaping and appearance are reserved. Matters relating to outlook and privacy would have to be considered at reserved matters stage. However, the applicant has submitted an indicative master plan to demonstrate how up to 50 dwellings can work. The dwellings are shown as two and a half storeys high with some being two storeys.

11.8 The plans show that the covered reservoir in the lower section of the site will be demolished to restore the land to surrounding street level. The master plan shows an outward facing development in this area. The applicant has confirmed the stone wall will be retained (apart from the section of wall for the access). The valve house will be demolished. The upper section proposes dwellings back to back with existing housing. Footpath links and permeability through the site is maintained and enhanced.

11.9 The indicative layout shows separation distances of 30 to 40m on the lower section. The upper section shows varying separation distances of 25m to the west side and 26m to 34m on the east side. At reserved matters stage careful consideration will need to be given to what is an appropriate scale of development.

11.10 The applicant explains that underground services result in the incorporation of a number of buffer areas which will provide generous levels of separation between existing and proposed dwellings. The easements are located to the east and southern boundaries of the northern section of the site and along the north and eastern boundaries of the lower section. The presence of these services means the land on top of the services can only be used for front gardens, footpaths, access road or open space.

11.11 The Council's Urban Design Officer does not object to the application. He advises that the development proposes an acceptable layout with the potential for open space and pedestrian links. Detailed design of the buffer zones and areas of open space will be considered at reserved matters stage. A condition is recommended to ensure these areas are well designed and maintained in accordance with a maintenance regime to be agreed with the Council.

11.12 The scheme is acceptable in terms of impact on existing landscaping. An Arboricultural Impact Assessment has been submitted and a total of 18 individual trees and 5 groups of trees were surveyed. The proposals will require the removal of T1 and G3. T1 is a sycamore tree located on Billy Mill Lane (moderate value tree) and G3 is a low value group of Rowan trees to the upper section of the site located near the western boundary.

11.13 T1 (Sycamore) has been identified as a category 'B' tree as assessed under BS 5837 (medium value tree). However due to its position on the site it will conflict with the proposed works and will need to be removed. The tree contributes and represents a strong local (visual) landmark and feature within the

context of the very low tree cover of the area, however, its retention is not considered viable.

11.14 The tree is located at the very foot of the slope of the reservoir and the demolition of the reservoir and the subsequent regarding of the land will result in serious root damage. The tree is also growing very close to the boundary wall which may cause disturbance of the foundation or structure of the wall in future years.

11.15 The Council's Landscape Architect has been consulted and is satisfied with the scheme subject to existing trees being adequately protected during development and that the new development is landscaped to a high quality. These matters will be dealt with by condition and through the submission of landscaping details at reserved matters stage.

11.16 Members need to consider whether the proposed dwellings are acceptable in terms of their character and appearance upon the site and the surrounding area. It is Officer advice that the additional housing in this built area will not harm the character of the area and it accord with NPPF and relevant UDP planning policies.

12.0 Access and impact on the highway network

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 development that generates significant amounts of movement should be supported by a Transport Statement on Transport Assessment. Planning decisions should take into account amongst other matters the sage and suitable access to the site can be achieved by all people.

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

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

12.5 Policy T8 seeks to encourage cycling amongst other matters ensuring cyclists 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 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

12.9 The applicant wishes for access to be considered now as part of this outline application.

12.10 A Transport Statement (TS) has analysed the highway network in the vicinity of the site as well as the proposed site access from Whitehouse Lane. The TS concludes the affects of development traffic on the network are not severe and the site has reasonable links with public transport.

12.11 The Highway Network Manager has been consulted and having assessed the Transport Statement and the proposed access arrangements, raises no objections to the proposals subject to conditions to address requirements expected to be met in any final design at reserved matters stage.

12.12 The Highway Network Manager requires the upgrading of the adopted footpath running east to west along the northern boundary of the top section of the site. He also requires upgrading of the adopted footpath along Whitehouse Lane and closure of the access point currently leading to the valve house which is to be demolished. The applicant has agreed to these works and they can be secured by way of S278 Agreement.

12.13 Furthermore, the Public Rights of Way Officer requires upgrading of the existing access point to the south east corner of the upper section of the site. He requires a formal footpath link to be provided and to connect into the proposed development internal routes. This can be secured by way of Grampian Condition.

12.14 Nexus has been consulted and raises no objections to the application subject to 'All Zone Travel Passes' being provided for new residents. The applicant has agreed and condition is recommended to ensure that a Travel Plan is submitted which makes provision for travel passes in house buyer welcome packs.

12.15 Members need to consider whether the development is likely to have a severe impact on the network and whether sufficient access has been provided. It is Officer advice that the proposal accords with NPPF, UDP planning policies and LDD12.

13.0 Other Matters

13.1 Impact of noise of the amenity of new residents

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

13.2 Advice in national planning practice guidance indicates that noise impacts can be mitigated using a variety of measures including an engineered solution to mitigate noise at its source, designing the layout of new development to minimise exposure to noise, using planning conditions to restrict activities and mitigation measures as part of the proposed development such as insulation and acoustic glazing with an alternative means of ventilation to allow windows to remain shut.

13.3 UDP Policy E3 states that local planning authorities will seek to minimise the impact of pollution on the environment.

13.4 Policy H11 requires that proposals for housing development take into account the impact of the proposal on its site, local amenity; the environment and adjoining land uses. It also seeks to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development including through the use of conditions.

13.5 The applicant has submitted a Noise Assessment. It considers traffic noise from Billy Mill Lane and Whitehouse Lane and also noise arising from the other covered reservoir located to the north of the site.

13.6 The main source of noise that has the potential to affect future occupiers is traffic noise from Billy Mill Lane and Whitehouse Lane. The Manager of Environmental Health has no objection to the application but recommends conditions to protect future residents from noise, including the provision of acoustic glazing, ventilation to habitable rooms and screening to any gardens within direct line of sight of these road frontages to ensure acceptable levels of internal and external noise.

13.7 Members need to consider whether the proposal would provide an acceptable residential living environment for future occupiers and decide whether it complies with the NPPF, policies E3 and H11 and also weight this in their decision. Officer advice is that it would provide an acceptable level of amenity for future residents.

14.0 Ground conditions

14.1 The NPPF states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

14.3 Policy E13 states that in pursuing environmental improvement within the urban environment the local planning authority will give priority to the improvement of those parts which are in most in need of regeneration and to those with a high level of public accessibility and or visibility such as physical transport corridors and town centres.

14.4 The site is within a Coal Mining Referral Area. The applicant has submitted a Coal Mining Risk Assessment. The Assessment identifies that the site has been subject to past coal mining activity including shallow mine workings. There are also three mine gas sites within the vicinity of the site.

14.5 The Coal Authority has been consulted and recommends further intrusive site investigations, to include gas monitoring, should be undertaken prior to development commencing. They raise no objection providing a condition is

imposed to ensure the investigation and any remediation required, is fully implemented.

14.6 Furthermore, the applicant has submitted an Environmental Risk Assessment. This looks at the site's history, environmental conditions and potential for contamination and underground gas.

14.7 As part of the proposed redevelopment the reservoir structure to the lower section of the site will have to be demolished to restore the land to surrounding street level. To create a suitable development platform the site will need to be excavated and fill-material used to re-grade the site.

14.8 The Council's Contamination Officer recommends conditions relating to gas monitoring and contamination to ensure the possibility and remediation of contamination is fully investigated and to ensure that new material brought to site is suitable for end use.

14.9 It is the advice of Officers that the applicant has demonstrated that the application site is, or can be made safe and stable for the proposed development.

14.10 If Members are minded to approve the application, they must decide whether the proposal acceptable in terms of the above the NPPF and UDP policy.

15.0 Archaeology

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

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

15.3 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.

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

15.5 The County Archaeologist has been consulted and she is interested in the lower section of the application site. She advises the reservoir itself, the stone wall surrounding the site and the valve house located on Whitehouse Lane are all of industrial archaeological interest.

15.6 The reservoir structure itself was built in 1901 and is constructed with a concrete roof slab, supported above a similar reinforced floor slab by an internal

steel column arrangement. The void space within the reservoir is approximately 5m in height. The County Archaeologist requires for the structure, along with the valve house and stone wall to be recorded. Planning conditions are recommended to control this.

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

16.0 Biodiversity

16.1 The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. When determining planning applications the NPPF states that local planning authorities should refuse planning permission if significant harm resulting from development cannot be avoided, adequately mitigated or compensated for.

16.2 The site mainly comprises improved grassland, with hedgerows, scrub and trees around the site boundaries.

16.3 The ecological survey submitted with the application states the site is of moderate to low ecological value.

16.4 The Biodiversity Officer advises that the development should result in low ecological impacts because the majority of peripheral tree, scrub and hedgerow planting will be retained. She notes the removal of the sycamore tree to the lower section of the site. The Biodiversity Officer recommends replacement native tree planting as mitigation for the loss of this tree.

16.5 The other recommendations of the Biodiversity Officer can be dealt with by condition, including the timing of vegetation removal, the tree protection measures and the provision of bat and bird boxes.

16.6 Members need to consider whether the development is acceptable in terms of biodiversity and whether it would accord with NPPF and weight this in their decision.

17.0 Flood risk and drainage

17.1 NPPF states that when determining application, 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.

17.2 The applicant has submitted a Flood Risk Assessment (FRA). The FRA concludes that the site is at low risk from flooding.

17.3 Both Northumbrian Water and the Council as Local Lead Flood Authority do not object to the application.

17.4 As the application is in outline form, final details of the drainage proposed will need to be designed and an appropriate condition can be imposed to ensure that details, incorporating sustainable urban drainage principles are agreed.

17.5 Members need to consider whether in terms of flooding, the proposal would accord with NPPF and weight this in their decision.

18.0 Planning Obligations

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 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 related to the development; and
Fairly and reasonably related 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 development where people choose to live, work and play.

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

18.5 To make the development acceptable in planning terms Officers consider contributions towards the following areas are required:

18.6 Neighbourhood Parks and Borough Parks - A contribution is being sought towards existing park improvements at Northumberland Park and Silver Link Biodiversity Park

18.7 Strategic and local semi natural green space - A contribution is sought towards existing sites at Silver Link Biodiversity Park Local Wildlife Site & Nature Reserve.

18.8 Children's Equipped Play space - A contribution is sought towards improvements to existing play provision at Hill Top Park.

18.9 Allotments - A contribution is sought to provide 1 new allotment plot within the current Beach Road allotment site.

18.10 Sports Pitches - A contribution is sought towards improvements to existing pitch provision within the vicinity of the site.

18.11 Swimming Pool -A contribution is sought towards improvements at Tynemouth pool.

18.12 Sports Hall - A contribution is sought towards improvements to existing indoor sports facilities and services at Tynemouth pool.

18.13 Education - A contribution is sought towards creating new capacity within the nearest secondary school (John Spence High)

18.14 Employment and Training - The applicant is required to provide two apprenticeships or a financial contribution

18.15 Affordable housing - 25% affordable housing to be provided on-site

18.16 Contributions to these areas are considered necessary, directly related to the development and fairly and reasonably relate in scale and kind to the development and therefore comply with the CIL Regulations.

18.17 The applicant has agreed to contributions to these topic areas however the total contributions are not known at this stage.

18.18 The applicant has requested a formula based approach to the obligations. As the application is for outline planning permission, the final number of dwellings and mix of housing will not be determined until the reserved matters stage.

18.19 The formulae set out in the Council's SPD for calculating the payment for each of the S106 contributions differs depending on the number of bedrooms to be provided in the final development. The S106 will therefore list the contributions which are to be paid and the formulae to be used for calculating each of the contributions once the final housing mix is known.

18.20 Officers accept this approach and the formulas for the different obligations are set out in the resolution of this report.

19.0 Conclusion

19.1 The principle of residential use in this location is acceptable and has been justified in accordance with government guidance and local planning policy in respect of loss of designated general amenity space.

19.2 The development will contribute to the Council's housing supply and the need for affordable housing provision.

19.3 The development is considered acceptable in terms of amenity and on the impact of intended occupiers.

19.4 The loss of planting on the site can be suitably mitigated for by way of a new landscaping scheme.

19.5 The development is acceptable in highway terms. The development is acceptable in terms of its impact on the network and access arrangements.

19.6 There are no objections to development in terms of ground conditions, biodiversity, flood risk, drainage or archaeology.

19.7 The applicant has agreed to providing S106 contributions to the topic areas set out. Exact amount of monies will be determined at detailed design stage when final unit numbers and housing mix are known. The applicant has requested a formula based approach to the S106 legal agreement and this is accepted by Officers in this case.

19.8 No letters of representation have been received from residents in response to the publicity of this application.

19.9 The application complies with the NPPF and UDP policies and is therefore recommended for approval subject to the completion of a S106 Legal Agreement.

RECOMMENDATION: Minded to grant legal agreement req.

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

Neighbourhood Parks and Borough Parks

Formula for contribution =

1 bed – (£212) x no of 1 bed dwellings

2 bed – (£212) x no of 2 bed dwellings

3 bed – (£439) x no of 3 bed dwellings

4 bed – (£579) x no of 4 bed dwellings

5+ bed – (£640) x no of 5+ bed dwellings

Pay 50% of total contribution towards existing park improvements at Northumberland Park and Silverlink Biodiversity Park

Strategic and local semi natural green space

Formula for contribution =

1 bed - £117 x no of 1 bed dwellings

2 bed - £117 x no of 2 bed dwellings

3 bed - £182 x no of 3 bed dwellings

4 bed - £240 x no of 4 bed dwellings

5+ bed - £266 x no of 5+ bed dwellings

Pay 50% of total contribution towards existing sites at Silverlink Biodiversity Park Local Wildlife Site & Nature Reserve.

Children's Equipped Play space

Formula for contribution =

- 1 bed – (£463) x no of 1 bed dwellings**
- 2 bed – (£463) x no of 2 bed dwellings**
- 3 bed – (£772) x no of 3 bed dwellings**
- 4 bed – (£772) x no of 4 bed dwellings**
- 5+ bed – (£772) x no of 5+ bed dwellings**

Pay 50% of total contribution towards improvements to existing play provision at Hill Top Park.

Allotments

£2,700 contribution towards 1 allotment plot

Sports Pitches

Formula for contribution =

- 1 bed – (£487) x no of 1 bed dwellings**
- 2 bed – (£487) x no of 2 bed dwellings**
- 3 bed – (£758) x no of 3 bed dwellings**
- 4 bed – (£999) x no of 4 bed dwellings**
- 5+ bed – (£1105) x no of 5+ bed dwellings**

Pay 50% of total contribution towards improvements to existing pitch provision within the vicinity of the site.

Swimming Pool

Formula for contribution =

- 1 bed – (£134) x no of 1 bed dwellings**
- 2 bed – (£134) x no of 2 bed dwellings**
- 3 bed – (£209) x no of 3 bed dwellings**
- 4 bed – (£276) x no of 4 bed dwellings**
- 5+ bed – (£305) x no of 5+ bed dwellings**

Pay 50% of total contribution towards improvements at Tynemouth pool.

Sports Hall

Formula for contribution =

- 1 bed – (£265) x no of 1 bed dwellings**
- 2 bed – (£265) x no of 2 bed dwellings**
- 3 bed – (£395) x no of 3 bed dwellings**
- 4 bed – (£521) x no of 4 bed dwellings**
- 5+ bed – (£577) x no of 5+ bed dwellings**

Pay 50% of total contribution towards improvements to existing indoor sports facilities and services at Tynemouth pool.

Education

Pay contribution towards creating new capacity within nearby secondary school. Formula for contribution =

£19,000 per additional pupil yield generated by the development

Employment and Training

Creation of two apprenticeships or a financial contribution based on the following formula of £536 per dwelling.

50% of total contribution payable.

Affordable housing

25% affordable housing provision on-site

The applicant will also be required to enter into a Section 278 Legal Agreement with the Local Authority for the following works:

Closure of unused highway access points

Upgrade of footpaths fronting the site

Upgrade of footpath to north of site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Application form
- Location Plan NE22284/003
- Proposed site plan IL22284-001
- Illustrative Masterplan
- Proposed site access

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

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

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

3. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters

to be approved.

Reason: To comply with the requirements of Section 92 of the Town and

Country Planning Act 1990

4. Prior to the commencement of development a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the LPA. Thereafter each reserved matters application for a phase submitted pursuant to condition 2 above shall be accompanied by an updated phasing plan for the approval of the LPA. The phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this condition.

5. The development hereby permitted shall include no more than 50 dwellings.
Reason: In the interests of highway safety and the character and appearance of the surrounding area.

6. 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.

7.	Restrict Hours No Construction Sun BH	HOU04	*
8.	House Est Layout Adopt Roads No Occ OUT	ACC01	*2 *H11
9.	New Acces Access Before Devel OUT	ACC08	*H11
10.	Exist Access Closure By OUT	ACC16	*3 *2 *H11
11.	Turning Areas Laid Out Before Occ OUT	ACC24	*refuse *2 *H11
12.	Traffic calming mesures to 20mph	ACC27	*H11
13.	Surface Water Drainage OUT	DRN01	*2 *H11

- | | | |
|--|-------|------------|
| 14. Veh Parking Garaging Loading OUT | PAR03 | *2
*H11 |
| 15. Refuse Storage Detail Provide Before Occ | REF01 | *H11 |
| 16. Construction Method Statement | SIT05 | * |

17. 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.

18. 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.

19. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development a scheme showing pedestrian/cycle routes within the site shall be 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.

20. The development hereby permitted shall not be occupied until a scheme for the provision of a new footpath outside the application site and between No.39 and No.43 Sherborne Avenue, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the new footpath works shall be carried out accordance with the scheme agreed unless otherwise agreed in writing.

Reason: to ensure that there are suitable pedestrian/cycle routes for the development having regard to policy H11 of the North Tyneside Council Unitary Development Plan 2002.

21. 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.

22. Notwithstanding the details submitted, a Travel Plan taking into account the new development shall be submitted to and approved by in writing the Local Planning Authority prior to the occupation of any dwellings on the site. This will include an undertaking to provide four week all zones travel passes to all residents in the housing welcome packs. Thereafter the Travel Plan shall be implemented in accordance with the approved details and travel plan measures agreed..

Reason: In the interests of promoting sustainable modes of transport

23. Prior to occupation of the development the applicant shall carry out the following works, which are to be agreed with North Tyneside Council:

- Closure of unused highway access points
- Upgrade of footpaths fronting the site
- Upgrade of footpath to north of site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

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

24. No demolition/development shall take place until a programme of building recording has been completed of the boundary wall, valve or inlet house and exterior and interior of the covered reservoir, in accordance with the agreed specification provided by the Local Planning Authority (reference MON13959 FINAL VERSION dated 21 January 2016, revised 16 February 2016). A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic buildings or structures and to accord with paragraph 141 of the NPPF and saved UDP policy E19/6.

25. Levels Details Exist Prop Before Devel LEV01 *H11

26. Prior to the occupation of any dwelling on the site, details of a maintenance regime for the open space shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the open space is maintained in a satisfactory manner.

27. Gas Investigate no Development GAS06 *

28. Contaminated Land Investigation Housing CON01 *

29. Notwithstanding the details to be submitted pursuant to Condition 2, no development shall commence on site until a noise scheme in accordance with noise report NT12524, providing details of the specification of the window glazing to be provided to habitable rooms, to ensure bedrooms meet the good internal standard of 30 dB LAeq T at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB LAeq T in accordance with the BS 8233:2014 is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the development and retained thereafter.

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.

30. No development shall commence on site until a ventilation scheme for habitable rooms is submitted to and approved in writing by the Local Planning Authority and thereafter implemented to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2c of Approved Document F.

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.

31. Acoustic screening shall be provided to any gardens with line of sight of the B1316 Billy Mill Lane and Whitehouse Lane. Details of the acoustic fencing must be provided to the local planning authority prior to the commencement of construction of the dwellings for approval and thereafter implemented prior to occupation of the dwellings to attenuate against road traffic noise to ensure noise levels within the gardens meet the WHO guidance level of 50 dB(A) for good outdoor amenity. The approved scheme shall be retained thereafter.

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.

32. 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.

33. Landscape Scheme Implementation LAN06 *
Period

34. All construction works to conform with BS5837: 2012 'Trees in Relation to Construction-Recommendations' in relation to protection of existing boundary

trees and shrubs and as detailed in the Arboricultural Impact assessment and Tree Protection Plan. All retained trees within and around the development site must be adequately protected during construction by the use of appropriate tree protection measures as detailed in the Arboricultural Impact Assessment Report.

Reason: In order to protect existing trees on the site, having regard to Policy E14 of the North Tyneside Unitary Development Plan.

35. Six bird and four bat boxes shall be incorporated into buildings and trees within the development scheme. Details of these bird/bat box design and their location shall be submitted to the Local Planning Authority for approval prior to the commencement of the construction of dwellings on the site. The bird and bat boxes shall be implemented in accordance with the approved scheme with an agreed timescale and retained thereafter.

Reason: In the interests of biodiversity.

36. Prior to the submission of the reserved matters a scheme of intrusive site investigations for the shallow coal workings shall be undertaken and the reserved matters shall include the submission of a report of findings arising from both of the intrusive site investigations, including the results of the gas monitoring undertaken, the submission of a scheme of remedial works/mitigation for the shallow coal workings/mine gas. The details shall include a timetable for the works to be undertaken. The development shall be undertaken in accordance with the agreed details.

Reason: In the interests of land stability, having regard to the NPPF.

37. 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.

38. The stone boundary wall around the site shall be retained, except where the new access is to be created, unless otherwise agreed in writing with the Local Planning Authority.

Reason: The wall is of archaeological interest and to ensure a satisfactory appearance of development

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

Archaeological works are required for the reservoir site. If these works occur prior to any ground site investigation (gas and contamination) and require the removal of spoil to allow for investigation, then any spoil should be stored in such a way as to prevent cross contamination.

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

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)

Street Naming and numbering (I45)

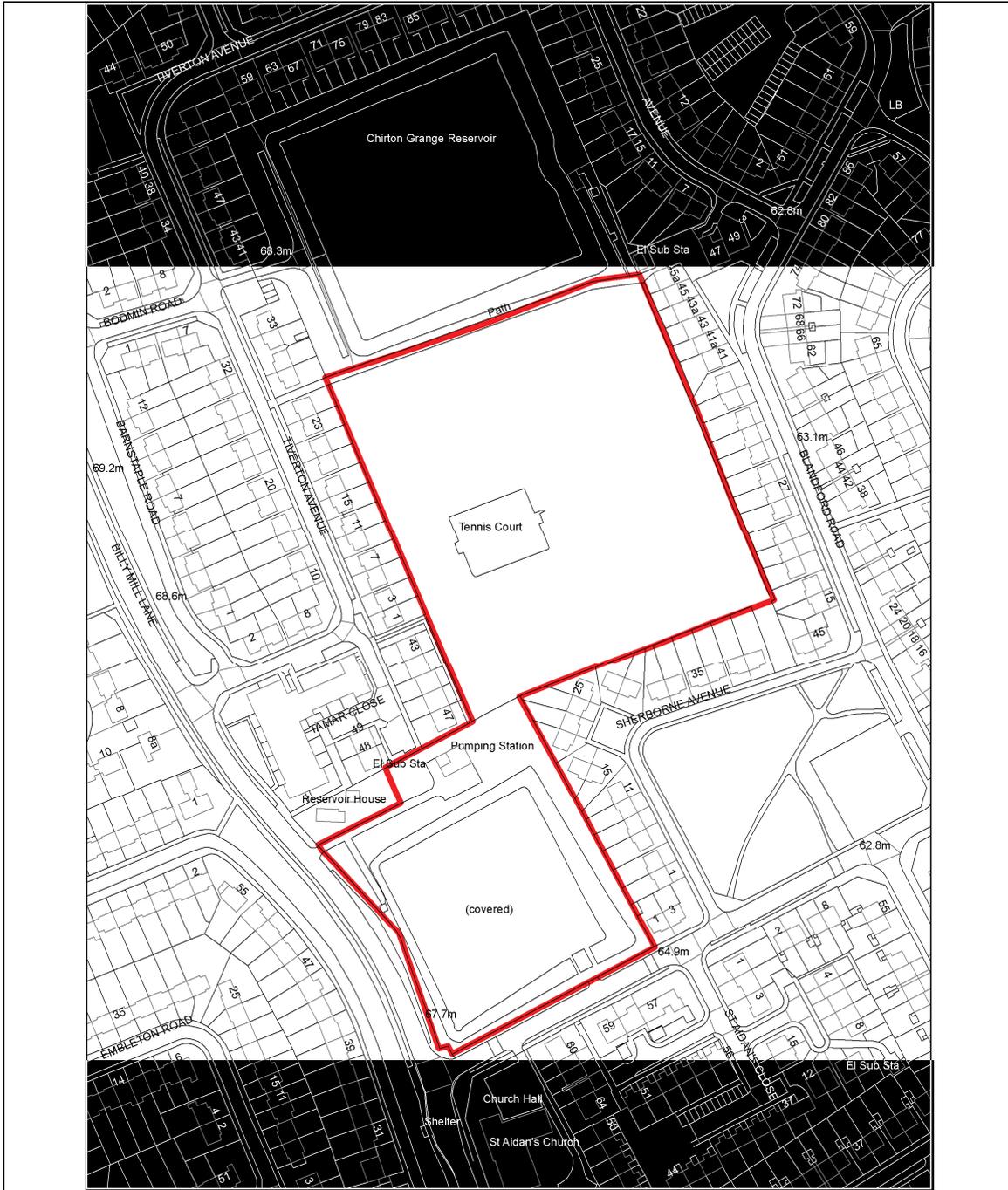
Highway Inspection before dvlpt (I46)

INIT

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

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

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



Application reference: 15/01999/OUT

Location: Moorhouses Covered Reservoir, And Land East Of , 11 Tiverton Avenue, Billy Mill Lane

Proposal: Residential development (Use Class C3) with associated access.

Not to scale

Date: 07.04.2016

© Crown Copyright and database right
2011. Ordnance Survey Licence Number
0100016801



**Appendix 1 – 15/01999/OUT
Item 3**

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is an outline application for residential development (Use Class C3) with associated access. The application is for access only, which is proposed from Whitehouse Lane with all other matters are reserved. It is anticipated that there will be approximately 50 dwellings.

1.3 A Transport Statement (TS) 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 affects of development traffic on the network are not considered to be severe and the site has reasonable links with public transport.

1.4 A Travel Plan Statement (TPS) has also been submitted as part of the application whereby alternative modes of transport will be promoted.

1.5 The applicant has also agreed to provide significant enhancements to pedestrian & cycle links in this area.

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

1.7 Recommendation - Conditional Approval

1.8 The applicant will be required to enter into a Section 278 Agreement for the following works:

Closure of unused highway access points
Upgrade of footpaths fronting site
Upgrade of footpath to north of site
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

1.9 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)
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

INIT

SIT02 - Building Site: Construction Access
SIT03 - Dust suppression
SIT04 - Lorry routeing

1.10 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.

1.11 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.

1.12 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.

1.13 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.

1.14 The development hereby permitted shall not be occupied until a scheme for the provision of a new footpath outside the application site and between No.39 and No.43 Sherborne Avenue, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the new footpath works shall be carried out accordance with the scheme agreed unless otherwise agreed in writing.

Reason: In the interests of enhancing footpath links having regard to DCPS14 of the Unitary Development Plan 2002.

1.15 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

1.16 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

INIT

113 - Don't obstruct Highway, Build Materials
145 - Street Naming & Numbering
146 - Highway Inspection before dvlpt

1.17 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.

1.18 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.

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

2.0 Local Lead Flood Authority

2.1 A Flood Risk Assessment (FRA) was submitted as part of the planning application. The site is located in Flood Zone 1 and as such has a low risk of flooding. Finished floor levels of dwellings will be set at 150mm above adjacent ground levels and surface water will be attenuated on the site and discharged at rates agreed with NWL and subject to detailed design and conditional approval is recommended.

2.2 Recommendation - Conditional Approval

2.3 Condition - 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

3.0 Urban Design Officer

3.1 The design and layout for the outline application shows that an acceptable layout can be achieved on the site. The indicative layout has been designed to sensitively work with the site features to provide a well designed layout with open space and pedestrian links.

3.2 The layout of the units overlook public areas to provide natural surveillance. Existing pedestrian links are maintained and enhanced.

3.3 In the detailed design the area of open space should be designed to be amenity green space for existing and future residents.

3.4 Due to an easement running close to the eastern boundary on the upper part of the site there is a no build area to allow for access. The detailed design of this area will need to be carefully planned as it will be a long and narrow area in between rear garden fences. The design should allow for pedestrian access with

soft landscaping and lighting to discourage crime and ensure a safe and attractive route is created.

4.0 County Archaeologist

4.1 Initial comments

4.2 The covered reservoir is of industrial archaeological interest. It is shown on the Ordnance Survey map of 1919 and was built in 1901. This should be deemed to be a non-designated heritage asset (ref para 135 of the NPPF).

4.3 I hope that the stone boundary wall will be retained. I assume from the illustrative masterplan that the valve house on Tiverton Avenue is being retained? I am pleased to see this.

4.4 The boundary wall and the valve house (see attached photo) on Tiverton Avenue (attractive stone building with an inscribed stone 'C.W.W. 1901', dentilled cornice, quoins and metal railings on the roof) require archaeological recording.

4.5 The Environmental Risk Assessment states that that the reservoir is 70m x 75m in plan. It has a concrete roof slab and floor slab with internal cast iron columns. At each corner are two brick piers and a connecting arch. The void inside is 5m high.

4.6 I presume that the reservoir is now empty of water? Can the interior be currently safely accessed? If safe access is possible, the reservoir should be archaeologically recorded before demolition. If this is not possible recording should be done during demolition, but this will be difficult. How will the reservoir be demolished?

4.7 Ideally the roof would be removed but the interior left intact (as much as possible) until it has been archaeologically recorded.

4.8 Archaeological Building Recording Condition recommended.

4.9 I can provide a specification for the recording when required.

4.10 Additional archaeology comments received:

4.11 Further to my initial comments we have had various discussions with the applicant's agent Nathaniel Lichfield and Partners (NLP).

4.12 I asked that the boundary wall on Billy Mill Lane, Whitehouse Lane and alongside Sherborne Avenue is retained. NLP has confirmed that this will be kept, which is welcomed. I acknowledge that a breach will need to be made in the wall for the new vehicle access. Please impose a condition that requires the boundary wall to be retained apart from where the access is to be inserted.

4.13 I asked if the stone valve house on Whitehouse Lane was going to be retained. NLP have advised that the masterplan is for illustrative purposes only and it may be necessary for the stone valve house to be removed in order to accommodate the final layout of the scheme.

4.14 NLP have said that the valve house is integral to the structure of the reservoir; one could not be demolished without the other. She added that even if the valve house were to be made structurally secure, given that it would not be brought into use as part of the development proposals and that there would be no management regime in place for its maintenance, the valve house would undoubtedly fall into disrepair. Given these factors, I reluctantly accept that the valve house will probably be demolished by the future house builder. The archaeological recording of the valve house is therefore particularly important, if the building is to be lost.

4.15 I recommended a condition for archaeological recording of the boundary wall, valve house and interior of the reservoir. NLP asked if the building recording could be done upfront to avoid the need for a pre-commencement condition. NLP also submitted photographs taken by WSP in 1997 and asked if these photographs would be sufficient as an archive record, negating the need for a condition. Ian Ayris, County Industrial Archaeologist, and I looked at the photos from 1997. These are not very good quality as it's a scan of a photocopy of a document, and they will certainly not suffice as an archive record for a non-designated heritage asset which is to be demolished. The 1997 photos show that the reservoir is of industrial archaeological interest and that it should be properly recorded.

4.16 I have since produced a specification for the recording.

4.17 NLP confirmed on 4th February that they no longer wish to carry out the recording in advance of a decision, so it will need to be conditioned. After a couple of minor alterations, a final version of this specification has been sent. This specification will form part of the condition for building recording.

4.18 Historic Building Recording Condition recommended:

No demolition/development shall take place until a programme of building recording has been completed of the boundary wall, valve or inlet house and exterior and interior of the covered reservoir, in accordance with the agreed specification provided by the Local Planning Authority (reference MON13959 FINAL VERSION dated 21 January 2016, revised 16 February 2016). A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic buildings or structures and to accord with paragraph 141 of the NPPF and saved UDP policy E19/6.

5.0 Manager of Environmental Health (Pollution)

5.1 In the noise survey, the monitoring sites were well chosen as being representative of potential issues.

5.2 The levels obtained were in expected representative range, and as such I can concur with the findings of the report.

5.3 Depending on the position of the individual houses (being adjacent to roads etc) the installation of acoustic ventilation may be required to achieve the desirable internal noise levels in bedrooms.

5.4 In addition a close bonded fence may be required, the dimensions of which should be discussed at detailed planning stage. This will be required if the designed housing orientation is not sufficient to mitigate noise sufficiently.

5.5 For properties located to the south and south west of the site adjacent to Whitehouse Lane and the B1316 I would recommend the following conditions to ensure an appropriate noise scheme is submitted:

5.6 Submit and implement on approval of the local Planning Authority a noise scheme in accordance with noise report NT12524, providing details of the specification of the window glazing to be provided to habitable rooms, to ensure bedrooms meet the good internal standard of 30 dB LAeq T at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB LAeq T in accordance with the BS 8233:2014.

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

5.8 Acoustic screening to be provided to any gardens with line of sight of the B1316 Billy Mill Lane and Whitehouse Lane. Details of the acoustic fencing must be provided to the local planning authority for approval and thereafter implemented and retained to attenuate against road traffic noise to ensure noise levels within the gardens meet the WHO guidance level of 50 dB(A) for good outdoor amenity.

6.0 Manager of Environmental Health (Contamination)

6.1 I have reviewed the Preliminary Environmental Risk Assessment dated October 2015 and I note the following points:

6.2 Current Site Usage - The northern parcel of land comprises a grassed over field currently used as public open space. A small grassed-over mound is present in the southern part of this area.

6.3 The southern parcel of land is largely occupied by a grassed-over redundant covered reservoir structure with associated inlet and outlet valve houses, and a fenced compound in the north of this area housing a pumping station.

6.4 The reservoir structure itself has plan dimensions of 70m x 75m and is constructed with a concrete roof slab, supported above a similar reinforced floor slab by an internal steel column arrangement. The void space within the reservoir is approximately 5m in height.

6.5 Due to a topographic fall towards the south-east of the land immediately surrounding the reservoir, the reservoir plateau is elevated by between 1.7 metres in the northwestern corner, to 4.1 metres in the south-eastern corner. A significant proportion of the reservoir void therefore lies below the surrounding ground level, particularly in the north-western corner.

6.6 The site was undeveloped until the construction of Moorhouses Reservoir within the southern plot in 1901.

6.7 On-site Contamination Sources - A hard surfaced sports pitch was formerly present within the northern parcel of land and whilst minor made ground deposits may be present due to associated earthworks it is not anticipated that this will have introduced significant sources of contamination to this area of the site.

6.8 The southern parcel of land has had a history of industrial use as a covered reservoir, the actual operation of which is considered unlikely to have introduced significant contamination to the site.

6.9 As part of the proposed redevelopment it is anticipated that it will be required to demolish the reservoir structure and to subsequently restore the ground surface using a combination of site-generated and imported fill material to create a suitable development platform. For the purposes of this assessment it is assumed that the materials used in such an earthworks scheme will be fit for purpose i.e. will not present a contaminative hazard for a residential development scheme.

6.10 As the site is within a coal referral area and within 250m of a known landfill the following should be applied to the application:

GAS 06 and CON 01 (Due to the proposed sensitive end use)

6.11 Informative - It is my understanding that archaeological works are required for the reservoir site. If these works occur prior to any site investigation and require the removal of spoil to allow for investigation then any spoil should be stored in such a way as to prevent cross contamination.

7.0 Landscape Architect

7.1 The site is located to the south of the A191 Rake Lane and to the east of the B1316 Billy Mill Lane and is approximately 3.22 hectares in size. The area currently comprises of a disused covered reservoir, several pumping and service stations and a grassed over field used as public open space. The site can be split into two distinct upper (North) and lower (South) partitions. The upper area is bound by the existing residential properties of Tamer Close, Tiverton Avenue, Taunton Avenue and Blandford Road, with the lower section occupying open land north of Whitehouse Lane, and to the east of Billy Mill Lane. The lower area of the development site was formerly used as a covered reservoir comprising an elevated grassed platform of approximately 2-3m (height) with a service house occupying land in the southeast corner of the site.

7.2 There is 1 no solitary mature tree (T1) on the lower area, located close to and mid-way along the western boundary. The upper area consists of a level grassed site with gently sloping topography falling to the east. It is public open space and used for informal recreation. In relation to the upper area there are also linear groups of existing vegetation (tree and shrub) along most of the west boundary and rear gardens of Tiverton Ave and Tamar Close. The southern boundary of the site, which is shared with the rear garden areas of Sherbourne Avenue, has a number of mixed trees of varying ages and species growing along its course. The eastern boundary of the proposed site comprises of informal broken sections of hedging with occasional pockets of shrub planting along the rear garden areas of Blandford Road. There is a public right of way extending along the northern

boundary of the site, which connects the partitioned housing areas to the local shops and amenities.

7.3 The upper and lower areas of the site form two distinct areas, with the enclosed nature of the upper (North) area and the more open aspect of the other lower (South) area. There appears little to preserve in relation to features, apart from the planting and sporadic tree groupings inhabiting the boundary margins of the (North) area. The submitted documents have provided a thorough and detailed study and survey including character analysis and any mitigation measures that may be required as part of the preparation and completed works.

7.4 An Arboricultural Impact Assessment has been submitted and a total of 18 individual trees and 5 groups of trees were surveyed. The proposals will require the removal of T1 and G3. T1 is a moderate value tree and G3 is a low value group of Rowan trees.

7.5 T1 (Sycamore) has been identified in the Arboricultural Impact Assessment as a category 'B' tree as assessed under BS 5837 (medium value tree). However due to its position in the landscape it will conflict with the proposed works and will need to be removed. The tree contributes and represents a strong local (visual) landmark and feature within the context of the very low tree cover of the area, however, its retention is not considered viable. The tree is located at the very foot of the slope of the reservoir and the demolition of the reservoir and the subsequent regarding of the land will result in serious root damage. A footpath is also proposed in close proximity to the base of the tree suggesting that the land is to be further leveled. The tree is also growing very close to the boundary wall which may cause disturbance of the foundation or structure of the wall in future years. Whilst the removed of this tree is an unfortunate loss new tree planting has been proposed to mitigate for this loss – the details of which can be conditioned. Given the scale of the losses the impacts will be minor negative at a site level only.

7.6 Protective fencing to the remaining trees on the site has been detailed as shown on the tree protection plan. The type, height and location are acceptable.

7.7 Conditions:

All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs and as detailed in the Arboricultural Impact assessment and Tree Protection Plan.

Fully detailed landscape plan

8.0 Biodiversity Officer

8.1 The above application for residential development at Moorhouses is on land evaluated within the ecological survey as having moderate to low ecological value. The site mainly comprises improved grassland of low ecological value, with hedgerows, scrub and trees around the site boundaries which are of moderate ecological value for species such as breeding birds and foraging bats.

8.2 Since the majority of the surrounding peripheral tree, scrub and hedgerow vegetation looks as if it will be retained (with the exception of a sycamore tree and a low value group of Rowan trees), the development as it presently stands should result in low ecological impacts.

8.3 The trees above that will be removed as part of the development will be mitigated for by the planting of native trees within the scheme. As suggested in section 4.1.1 of the tree report, any planting within the scheme should make maximum use of native species.

8.4 There may also be some development stage impacts that could impact on the crowns, stems and roots of retained trees, therefore, adequate tree protection measures will need to be conditioned as part of the application.

8.5 The bat risk assessment evaluated all three buildings on site as negligible value for bats with no further survey work required. However, it is recommended that the barge boards of Building 1 are removed by hand prior to demolition and this should be made a condition of the application.

8.6 It is recommended that the hedgerow to the north east of the site is retained and I would advise that this is gapped up with native hedge planting (if possible) to fill any gaps in the hedge.

8.7 In addition, as recommended by the ecological report, I would advise that bird and bat boxes are incorporated into the buildings and trees within the development to provide additional nesting and roosting opportunities for birds/bats.

8.8 Please attach the following conditions to this application:-

8.9 Conditions

8.10 A detailed landscape plan must be submitted to the Local authority for approval prior to development commencing and should include locally native planting within the scheme to benefit biodiversity.

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

8.12 With regard to the demolition of building 1, it is recommended that barge boards are removed by hand prior to demolition of the structure to avoid any harm to any roosting bats which may be present.

8.13 All retained trees within and around the development site must be adequately protected during construction by the use of appropriate tree protection measures as detailed in the Arboricultural Impact Assessment Report.

8.14 Six bird and four bat boxes should be incorporated into buildings and trees within the development scheme. Details of bird/bat box design and location to be submitted to the Local Authority for approval prior to development commencing.

8.15 The existing trees/scrub to the north west of the site shall be retained outside of the gardens of the proposed properties, unless otherwise agreed.

9.0 Representations

9.1 None received

10.0 External Consultees

10.1 Northumbrian Water

10.2 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.

10.3 Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:

10.4 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 "*Flood Risk Assessment*". In this document it states that foul flow from the proposed development will discharge to either, or a combination of, manholes 5603, 5604, 6601 on the existing 375mm diameter combined sewer, or manholes 6701 and 7801 on the existing 225mm combined sewer, in line with Northumbrian Water's pre-development enquiry response. This document further states that surface water will discharge at a restricted rate of 18l/sec to the existing 375mm combined sewer on Whitehouse Lane.

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

10.6 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. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

11.0 The Coal Authority

11.1 The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

11.2 The Coal Authority Response: Material Consideration

11.3 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.

11.4 The Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth associated with coal that outcropped across the site. Our records also indicate that within 50m of the planning boundary there have been two reported surface hazards and that there are three mine gas sites.

11.5 The planning application is supported by a Coal Mining Risk Assessment Report, dated October 2015 and prepared by Wardell Armstrong. This report has been informed by an appropriate range of sources of information including; BGS borehole logs, historic maps, geological maps and a Coal Mining Report.

11.6 Having reviewed the available coal mining and geological information the report correctly identifies coal that outcropped either within the site or a short distance to the east and confirms there to be a potential risk to the development from past coal mining activity within it. The report therefore recommends that intrusive site investigations are carried in order to establish the exact situation in respect of coal mining legacy issues on the site.

11.7 The Coal Authority welcomes that due consideration has also been afforded to the potential risk posed by mine gas to the proposed development, with the investigations being proposed to extend to include gas monitoring. The findings of the intrusive site investigations should inform any remedial measures which may be required.

11.8 The Coal Authority Recommendation to the LPA - The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works, including ground gas monitoring should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

11.9 The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these works prior to commencement of development. In the event that the site investigations/gas monitoring confirms the need for remedial works/mitigation to treat areas of shallow mine workings/abate mine gas to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development or integral to it.

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

The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and the undertaking of both of those schemes of intrusive site investigations.

11.11 A condition should require as part of the reserved matters application:
The submission of a report of findings arising from both of the intrusive site investigations, including the results of the gas monitoring undertaken;
The submission of a scheme of remedial works/mitigation for the shallow coal workings/mine gas for approval.

11.12 A condition should also require prior to the commencement of development:

A timetable to be agreed for the implementation of those remedial works/mitigation.

11.13 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

12.0 Nexus

12.1 Nexus would request that the council works with the developers to obtain funding to pay for four-week all zones Network One travel passes for residents to be included in the resident's welcome pack. As the development will be served by multiple operators, Network One travel passes are recommended as these will permit travel on all buses in the area as well as onward connections on the Tyne and Wear Metro.

12.2 Nexus asks for two four-week all zones Network One passes per dwelling as a minimum. 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 Coast Road and roads around Cobalt Business Park and Silverlink Shopping Park.