

Item No: 5.1
Application No: 16/00232/FUL Author: Maxine Ingram
Date valid: 23 February 2016 ☎: 0191 643 6322
Target decision date: 24 May 2016 Ward: Camperdown

Application type: full planning application

Location: Land At Former Stephenson House, Northumbrian Way, Killingworth, NEWCASTLE UPON TYNE,

Proposal: Residential development for 87 units with associated access, landscaping and open space

Applicant: Bellway Homes North East, Bellway House Kings Park Kingsway North Gateshead Tyne And Wear NE11 0JH

Agent: Nathaniel Lichfield & Partners, FAO Mr Dominic Smith Generator Studios Trafalgar Street Newcastle Upon Tyne Tyne And Wear NE1 2LA

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

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 application site is located at the roundabout junction of Northumbrian Way and Southgate. The site extends to approximately 1.91ha, comprising of land formerly occupied by Stephenson House, which was demolished in 2013,

and the former warehouse premises associated with Chan Casuals Ltd. The site is largely flat with a small grass mound adjacent to Northumbrian Way. There is a cluster of eleven trees close to the northern boundary of the site.

2.2 To the north of the application site, beyond Northumbrian Way, a new residential estate is being constructed.

2.3 To the south of the application site is an area of cleared industrial land, formerly occupied by the Chan Building. Planning permission has recently been granted earlier this year for a retail food store.

2.4 To the west of the site are occupied industrial units forming part of Stephenson Industrial Estate. The immediately adjoining unit is occupied by DS Smith Packaging Ltd. (an international manufacturer and supplier of packaging and machinery).

2.5 To the east of the site, beyond Southgate, is open space associated with West Moor Primary and George Stephenson High Schools.

3.0 Description of the proposed development

3.1 The proposed development seeks full planning permission for a residential development of 87 dwellings with associated parking facilities. The 87 units will provide a mixture of two bedroom dwellings (45no.) and 3 bedroom dwellings (42no.). The northern part of the site will be accessed via Northumbrian Way. The southern part of the site will be accessed via Southgate.

3.2 The following supporting documents have been submitted:

- Design and Access Statement
- Framework Travel Plan
- Gas Assessment
- Geo-environmental Desk Study and Coal Mining Risk Assessment
- Ground Investigation
- Phase 1 Desk Top Study Report
- Phase 2 Ground Investigation Report
- Planning Statement
- Flood Risk Assessment (FRA)
- Drainage Statement
- Transport Assessment
- Noise Assessment
- Ecological Appraisal
- Pre-development Tree Survey and Arboricultural Impact Assessment

4.0 Relevant Planning History

4.1 Site of Stephenson House

12/01851/OUT - Outline planning permission for the demolition of the existing building and redevelopment of the site for residential dwellings including proposed access details –Permitted 19.09.14

14/01595/OUT - Outline planning application for up to 60 dwellings with access from Northumbrian Way and associated infrastructure works – Pending Decision

4.2 Land adjacent to Stephenson House (part of former Chan site)

14/00042/FUL – erection of 37 dwellings – appeal lodged against non-determination. Appeal withdrawn.

4.3 Chan Building

12/00542/OUT – Outline planning consent for the demolition of existing warehouse and office and erection of a care home and residential development (all matters reserved) – Permitted 24.09.2014

13/02033/DEMGDO – Demolition of existing warehouse and office – Permitted 03.01.14.

15/01708/FUL - Erection of a foodstore (Use Class A1) and associated works including parking and landscaping. Additional Coal Mining information received 18.12.2015 – Permitted 11.03.2016

4.4 Norgas House

12/00426/FUL – Demolition of existing buildings and redevelopment of site to provide 117 residential dwellings – Withdrawn

13/00691/FUL – Residential development of 121 dwellings with highways, drainage and landscaping – Permitted 16.9.13 (under construction)

4.5 Development Plan

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

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

National Planning Policy Framework (NPPF) (March 2012).
National Planning Policy Guidance (NPPG) (As amended).

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in the determination of this application. It requires local planning authorities to apply a presumption in favour of sustainable development in determining development proposals. Due weight

should still be attached to Development Plan policies according to the degree to which any policy is consistent with the National Planning policy Framework.

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues in this case are;

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

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

8.0 Principle

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

8.1 Paragraph 14 of NPPF sets out that where the development plan is absent, silent or out of date, the presumption is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the Framework 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 five year supply of housing, plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been persistent under delivery, the buffer should be increased to 20%.

8.4 The site has been cleared of all buildings with the demolition of Stephenson House and the warehouse. The site is all previously developed land. NPPF states that one of the 12 core planning policies is to encourage the effective use of land that has been previously developed, provided it is not of high environmental value.

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

8.6 Policy H5 is not entirely consistent with NPPF, which has no such pre-requisite for new housing to be within the existing urban area providing it is sustainable. Given policy H5 is not entirely consistent with NPPF, Members should attach less weight to the policy.

8.7 The site is previously developed and within the urban area. It is not considered to be of high environmental value. Residential development is already underway on cleared industrial land to the north of the site.

8.8 Loss of Employment Land

8.9 The National Planning Policy Framework states that planning policies should avoid the long term protection of sites allocate for employment use where there is not reasonable prospect of a site being used for that purpose... Applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities.

8.10 The site is on the eastern edge of the much larger Stephenson Industrial Estate and designated as a current employment area according to saved policy LE1/4 of the North Tyneside Unitary Development Plan 2002.

8.11 UDP Policy LE1/4 seeks to ensure that the physical base of the economy is maintained and protected. Areas shown on the proposals map for employment uses B1 (Business), B2 (General Industrial) and B8 (Storage or Distribution) will be protected from change of use to other purposes except where amongst other matters there is no reasonable expectation of the site being used for the purpose allocated and the benefits of its alternative uses in relation to other objectives of the plan have been demonstrated. This proposal would be contrary to policy LE1/4, unless Members are satisfied that there is no reasonable expectation of the site being used for employment purposes and the benefits of its alternative use have been demonstrated.

8.12 UDP Policy LE1 seeks to ensure a provision of a range of sites for employment across the district to meet the needs throughout the plan period.

8.13 UDP Policy LE3 seeks to encourage the improvement of older industrial and commercial areas within the borough and covering amongst other matters development of mixed use projects where it can be clearly demonstrated that the juxtaposition of uses will not give rise to an unacceptable conflict.

8.14 The site is shown as a 'Site with existing planning permission for residential development' within the proposals map of the Local Plan Pre Submission Draft. The remainder of the Stephenson Industrial Estate is allocated as 'Mixed Use' within this document. The Employment Land Review (ELR) 2015 broadly

concludes that the North Tyneside has sufficient land to meet its employment needs over the next 15 years.

8.15 The principle of the loss of part of this employment site was accepted in granting permission previously for an outline residential redevelopment in September 2014. The former commercial units that occupied this site have since been demolished. However, the previous planning application demonstrated that the former commercial unit (Stephenson House) had been vacant for over 15 years. The previous application also submitted information to demonstrate that during this period the property had been marketed without success. The benefits of delivering housing on this site are set out below.

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

9.0 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 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design. NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development. It also confirms that authorities should set out their own approach to housing density to reflect local circumstances.

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

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

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 and therefore cannot be given any weight.

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

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

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

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

10.9 The locally registered Stephenson House has been demolished. The Conservation Officer has confirmed that the site no longer has significant heritage interest.

10.10 Within the immediate there are a range of architectural styles. To the north of the site is the Lakeside View development. This development is still being constructed and offers a variety of two, three and four bed properties. Design features include: traditional bay window, dormer windows and gable features. Other dwellings in the immediate vicinity are predominantly semi detached and terraced properties, arranged in a linear form.

10.11 The development is well laid out, responding well to the physical requirements of the site. The design comments regarding surface treatments and boundary treatments are noted. The development along Northumbrian Way and Southgate Road is outward facing, creating a strong, active frontage. The dwellings along the eastern edge would be situated behind a grass verge. Dwellings along the western boundary are configured to provide a predominantly inward looking development, with proposed dwellings having front aspect over the primary routes of the scheme. This inward character allows the scheme to provide natural surveillance over key pedestrian routes.

10.12 The proposed development provides a total of 87no. dwellings with associated parking facilities. There are a number of development forms and nine dwelling house types proposed. The overall density of the scheme is 46 dwellings per hectare. This density is considered acceptable on this brownfield site.

10.13 The majority of the units are two storeys, with a number of two and a half storeys used as 'gateway' features. This adds visual interest to the development.

10.14 An existing area of green space is retained to the most northern part of the site, adjacent to the proposed footpath from Northumbrian Way.

10.15 A central primary route is to serve each parcel of development. The northern access will be taken from Northumbrian Way; the southern access will be taken from Southgate Road. Primary pedestrian access will be alongside the primary vehicular access in the form of 2m footpaths linking to the existing along Northumbrian Way and Southgate Road. The existing footpath running east/west through the site would be retained. This footpath creates a strong corridor through the site, flanked by dwellings to the north and south. This forms a strong linear architectural composition in the central part of the site.

10.16 The site has a number of trees positioned within and around the development area. An arboricultural impact assessment has been undertaken and submitted as part of the application. The Council's Landscape Architect has been consulted. She has advised that this report identifies the removal of 14 individual trees and 3 small groups (1-11, 17, 19 and 20, and groups 1-3). The majority of the trees are identified as low value. Only four individual trees were classified as Category B 'moderate value'. The Landscape Architect has advised that although these trees were classified as Category B they are all relatively

small trees of little stature and their retention should be seen as similarly limited. T1 to T11 are located on a raised bund to the north of the site. These trees will need to be removed to address the difference in land levels. The Landscape Architect has advised that replacement trees can be accommodated in this location and should be planted to integrate better with the new layout. Tree 17 (C) is not worthy of retention in its proposed location, and trees 19-20 (C) and Groups 1-3 require removal to allow construction of dwellings and the access infrastructure.

10.17 Replacement tree planting has been proposed to compensate for the loss of canopy cover. The Council's Landscape Architect has requested additional planting to the verge fronting Southgate. Should planning permission be granted, a condition requiring a revised landscaping plan is suggested.

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

11.0 Impact upon amenity – for new residents

11.1 Noise

11.2 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. Where new residential development is proposed in close proximity to an established business advice in NPPF, recognises that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

11.3 Advice in National Planning Practice Guidance (NPPG) 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.

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

11.5 UDP 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.

11.6 Development Control Policy Statement No. 14 considers guidance in determining applications for residential development. The criteria includes general and detailed design guidance, car parking standards, privacy distances

(back to back 21.0m, back to gable 12.0m, front to front 21.0m), amenity space standards (minimum 50 square metres) and site development ratios (area of buildings should not exceed 50% of plot size). Further to the above, DCPS14 states that in fill sites within established residential areas may not be able to meet those standards relating to privacy distances and a reduced standard may be permissible.

11.7 It is noted that the privacy/overlooking distances are substandard in some cases. A separation distance of approximately 19.5m would exist between plots 38 and 51, plots 45-48 and 41-44; this is approximately 1.5m below the recommended distance. A separation distance of approximately 20m would exist between plots 34-35 and 39-40; this is approximately 1m below the recommended distance. A separation distance of approximately 18.5m would exist between plots 28-30 and 67-72; this is approximately 2.5m. However, these separation distances are marginally below and considered to be acceptable.

11.8 The applicant has submitted a Noise Assessment. This identifies traffic noise, noise from the adjacent industrial premises (DS Smith Packaging) and delivery noise from the proposed supermarket as being the dominant noise sources affecting this development. Without mitigation it is considered that these noise sources, given their nature (clashing and banging) and the time when noise could occur, would be likely to give rise to complaints. This in turn could result in unreasonable restrictions being placed on existing businesses, contrary to advice in NPPF.

11.9 The Manager for Environmental Health has been consulted. She has expressed concerns regarding noise arising from the sources identified in the noise assessment. To the north and east of the site the dominant noise is road traffic from Northumbrian Way and Southgate. To the west of the site the dominant noise is industrial noise, mainly from DS Smiths Packaging.

11.10 To address the impact on the future operation of DS Smiths Packaging, the applicant has entered into discussions with the adjacent business to seek to identify, as part of a range of noise mitigation measures, a means to reduce noise directly at the source. The main source of noise is the use of the waste compactor unit, located to the rear of the building. This unit also generates constant noise through its general operation, and also results in noise when the waste is removed.

11.11 Noise mitigation would be secured in the form of funding which would be used to upgrade the premises through the provision of a new waste compaction unit to replace the current unit, and the cladding of external waste pipes with noise insulating material. The upgraded compactor unit would compact the waste into bales, which would be ejected and stored safely within the site. The benefits identified by the operator would be that production would not have to stop, as it does currently every time the waste compactor is full; bales of waste could be removed in large batches, on an arranged schedule; the disruptive period that occurs when a lorry comes to replace the skip, would not happen during the night. The cladding of the external pipes would mean that the constant noise

produced through regular operation at the site would be reduced. This not only significantly reduces the noise generated, but also brings the significant benefit of an improved efficiency of production process and productivity of this branch of DS Smith Packaging. This would increase the likelihood of further investment in the premises and recruitment of additional staff. The mitigation works are expected to cost £100,000. Noise mitigation measures could be secured via a legal agreement. This mitigation would assist in alleviating one of the dominant noise sources to an acceptable level of amenity for future occupants of the proposed dwellings.

11.12 The Manager for Environmental Health has expressed concerns regarding the level of mitigation proposed for habitable rooms. She has advised that other measures would need to be secured. The other measures would comprise acoustic glazing to windows facing noise sources, including the main roads where traffic noise remains the dominant source, mechanical ventilation to allow habitable rooms to be used with the windows closed particularly those properties adjacent to the industrial units and delivery bays, and appropriate screening to garden areas. These additional measures can be secured through the imposition of appropriate conditions.

11.13 It is recognised that even with these mitigation measures in place, nearby businesses will still have to give consideration as to how they can operate using best practicable means to reduce noise to levels to a level where complaints would not arise. It is not considered that this development results in unacceptable restrictions being placed on this or other existing businesses.

11.14 Members need to consider whether the proposal would provide an acceptable residential living environment for future occupiers and decide whether it would also place unreasonable restrictions upon existing businesses contrary to NPPF, policies E3 and H11 and also weight this in their decision. Officer advice is that it would provide an acceptable living environment and would not place unreasonable restrictions on existing businesses. Officers note that the conditions suggested by Environmental Health would assist in mitigating some of the impact from road noise and industrial noise. Members need to consider this when making their decision.

12.0 Car parking and Access

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

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

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

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

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

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

12.7 A central primary route is to serve each parcel of development. A priority junction, serving 33no. units, directly off Southgate including a ghost right hand turn will be provided and will be delivered as part of the recently approved application to the south of the site. A priority junction will be taken directly off Northumbrian Way, this access will serve 54no. units. Primary pedestrian access will be alongside the primary vehicular access in the form of 2m footpaths linking to the existing footpath along Northumbrian Way and Southgate Road. The existing footpath running east/west through the site would be retained. A pedestrian link to Stephenson Industrial Estate would also be provided.

12.8 The application site is located within close proximity to local services and local bus services. The nearest bus stops are between 250m-420m from the centre of the site. The bus stops are located on Northumbrian Way, Southgate and Great Lime Road. The nearest Metro station is Palmersville some 2400m to the east of the application site. The site also lies in close proximity to the existing cycle routes.

12.9 A Transport Assessment (TA) and Travel Plan (TP) has been submitted and this has been considered by the Highways Network Manager.

12.10 Parking has been provided in accordance with the standards set out in LDD12 and each dwelling has cycle storage. Furthermore, the site has reasonable links with public transport and these links are being enhanced by the provision of a light controlled crossing on Northumbrian Way.

12.11 Subject to conditions and securing a S106 contribution for the provision of a light controlled crossing on Northumbrian Way, the Highways Network Manager considers the development to be acceptable. It is the view of officers that the request for a Travel Plan Bond, in this instance, is not considered to be necessary or reasonable.

12.12 Nexus has been consulted. They have advised that the site is located in proximity to excellent public transport links with several bus services being within 400m of the site. Their request to amend the submitted Travel Plan is noted. However, given the sites proximity to existing bus services and its proximity to other services such as the local centre and leisure centre this request is not considered to be necessary or reasonable.

12.13 Members need to determine whether the proposal will have a severe impact on the transport network. It is officer advice that the development would not have a severe impact on highway safety and the local road network.

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 the health, natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

13.3 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.

13.4 The applicant has submitted a Ground Investigation Report. This looks at the sites history, environmental conditions and potential for contamination and underground gas. The Contaminated Land Officer has been consulted. She has considered the submitted report and has noted that the ground investigation has identified areas of PAH and Arsenic Contamination. The report has also identified the need for a shallow abandoned coal mine works investigation. She has raised no objections subject conditions being imposed to secure the additional detailed site investigation works and gas assessment and measures to ensure that the new properties are designed with appropriate protection for new residents.

13.5 The Coal Authority has been consulted. Their comments will be reported to Members as an addendum. Subject to the Coal Authority being satisfied Members are advised that the proposed development would be acceptable.

13.6 Members need to determine whether the proposal would accord with NPPF and policy E3 of the UDP and weight this in their decision. Subject to conditions, it is officer advice that the proposal would accord with the advice in NPPF and UDP Policy E3.

13.7 Flooding

13.8 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.

13.9 The applicant has submitted a Flood Risk Assessment (FRA) and Drainage Statement. The FRA has analysed various flooding scenarios that could be associated with the site. The FRA concludes that the site is located within Flood Zone 1 and that the site is at low risk from flooding, with some minor ponding issues to the perimeter of the site along Northumbrian Way. It notes that it is

within a critical drainage zone, identified by the Council, but that the site lies over 200m from Killingworth Lake, which is known to suffer from surface water flooding in periods of heavy rain. There is no record of flooding at the application site and with appropriate surface water drainage measures in place, which will reduce surface water run off compared to its present levels from this brownfield, largely hard surfaced site, it is not considered that the development will increase the risk of surface water flooding elsewhere.

13.10 The Lead Local Flood Authority has been consulted. They have advised that the principle of the proposed development is acceptable subject to a detailed surface water management plan conditional approval is recommended.

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

13.12 The Environment Agency (EA) has been consulted. They have advised that they will not be commenting on this application as it falls outside their remit.

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

13.14 Biodiversity

13.15 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.

13.16 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.

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

13.18 A Phase 1 Habitat Survey has been submitted. It is noted that this report makes reference to the former Stephenson House building. However, this building has been demolished prior to the submission of this planning application. This report has been considered by the Council's Ecology Officer. She has recommended conditional approval.

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

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

13.21 Archaeology

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

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

13.24 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.

13.25 The Tyne and Wear Archaeology Officer has been consulted and raises no objections subject to conditions.

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

13.27 Sustainability

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

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

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

13.31 Taking all these matters into account, it is officer advice that on balance that in terms of the NPPF as a whole the site is sustainable. Given that the policies for the supply of housing are out of date, the presumption is in favour of sustainable development set out in paragraph 14 applies. The presumption is in

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

In conclusion, Members need to weight all of the above and conclude whether the proposal is acceptable in principle and would accord with NPPF.

14.0 S106 Contributions

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

14.2 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 of 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.

14.3 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 enhancement and achieve a high quality where people choose to live, work and play.

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

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

- 25% affordable housing provision
- Three apprenticeships or £21, 000.00 towards employment and training.
- Sports pitch: £34,830.00
- Sports hall: £11,475.00
- Swimming pool: £6,048.00
- Neighbourhood parks: £19,923.00
- Semi natural green space: £17,000.00
- Children's equipped play space: £29, 536.00

-Highways: £45,000.00

-Noise: £100, 000.00

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

15.0 Conclusions

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

15.2 According to the most recent Employment Land Review dated 2015, the Council has enough Employment Land to meet its needs for the next 15 years. It does not however have a deliverable 5-year housing land supply as required by NPPF.

15.3 The presumption in favour of sustainable development is therefore engaged. It follows that planning permission should be granted. It will only be possible to rebut the presumption where the impacts of development would significantly and demonstrably outweigh the benefits.

15.4 NPPF also advice that the Council should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of sites being used for that purpose. Applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities. The principle of residential development on a large part of this site has already been established through the previous outline planning permission and the former warehouse has since been demolished.

15.5 NPPF advises 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. It advises that options for noise mitigation should be explored to establish if new development, of an appropriate design quality, can be delivered without out adverse impact on new occupiers or existing businesses. In this case, following discussions, with the adjacent business, a range of acceptable measures have been identified which will mitigate noise to within acceptable levels whilst still offering an acceptable design of residential development. It is acknowledged that the introduction of further housing into what has traditionally been an industrial area will change the character of the area and have some impact on existing businesses who will have to operate in accordance with best practice to keep noise to the lowest levels. In the context of advice in NPPF and national planning practice guidance is it not considered that this impact is so harmful as to justify refusal of permission. DS Smith Packaging have indicated

that with these measures in place they would continue to invest in their business and the existing jobs would be protected.

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

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

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate they are minded to approve the application subject to the Coal Authority not objecting and the conditions set out below and the addition or omission of any other considered necessary, subject to the receipt of any additional comments received from consultees and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

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;

- 25% affordable housing provision
- Three apprenticeships or £21, 000 towards employment and training.
- Sports pitch: £34,830.00
- Sports hall: £11,475.00
- Swimming pool: £6,048.00
- Neighbourhood parks: £19,923.00
- Semi natural green space: £17,000.00
- Children's equipped play space: £29, 536.00
- Highways: £45,000.00
- Noise: £100, 000.00

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

- New footpath on Northumbrian Way linking into existing footpaths
- Upgrade of others footpaths surrounding the site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture and signage

Conditions/Reasons

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

-Site Location Plan (1:1250) Dwg No 14-15_54S0

-Site Plan as Existing Dwg No. 14-15_54/PS02

-Master Plan as Proposed Drawing No 14-15_54/P02, 14-15_54/P03 (Colour layout) and 14-15_54/P04 (Spatial Syntax Plan)

-Surface Treatment Plan Dwg No 14-15_54/410 Revision D

-Adoption Plan Dwg No 14-15_54/412

-Boundary Treatment Plan Dwg No 14-15_54/411 Revision C

House Types

00/02 -Standard house type 959 planning elevations standard Dwg No A-959-Std-

00/01 -Standard house type 959 planning layouts standard Dwg No A-959-Std-

00/02 -Standard house type 953 planning elevations standard Dwg No A-953-Std-

00/01 -Standard house type 953 planning layouts standard Dwg No A-953-Std-

00/02 -Standard house type 860 planning elevations standard Dwg No A-860-Std-

00/01 -Standard house type 860 planning layouts standard Dwg No A-860-Std-

-Kingston planning elevations standard SHK-Std/00/02

-Kingston planning layouts standard SHK-Std/00/01

00/02 -Standard house type 958 planning elevations standard Dwg No A-958-Std-

00/01 -Standard house type 958 planning layouts standard Dwg No A-958-Std-

00/02 -Standard house type 796 planning elevations standard Dwg No A-796Std-

00/01 -Standard house type 796 planning layouts standard Dwg No A-796-Std-

00/02 -Standard house type 636 planning elevations standard Dwg No A-636-Std-

00/01 -Standard house type 636 planning layouts standard Dwg No A-636-Std-

Std-00/02 -Standard house type 1079 planning elevations standard Dwg No A-1079-

00/01 -Standard house type 1079 planning layouts standard Dwg No A-1079-Std-

-Drainage Statement (February 2016)

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. The development shall not begin until details of the adoptable estate roads and footways and a timescale for their full implementation have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out and constructed to base course in accordance with the approved details. The final course shall be laid out in accordance with the agreed timescales and retained thereafter.

Reason: This information is required from the outset in order to minimise danger, obstruction and inconvenience to users of the highway and of the development having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

4. Prior to the commencement of development the following details and a timescale for their implementation shall be submitted to and approved in writing by the Local Planning Authority:

- New footpath on Northumbrian Way linking into existing footpaths.
- Upgrade of other footpaths surrounding the site.
- Associated drainage
- Associated street lighting
- Associated road markings
- Associated Traffic Regulation Orders
- Associated signage and street furniture

Thereafter, these agreed works shall be carried out in accordance with the agreed timescales and retained thereafter.

Reason: This information is required at the outset, in order to minimise danger, obstruction and inconvenience to users of the highway and of the development having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

5. Notwithstanding Condition 1, prior to the occupation of the first dwelling the new means of access shall be sited and laid out in accordance with the approved drawing. Thereafter, the development shall be implemented in accordance with these approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

6. Exist Access Closure Misc Points By ACC17 *six
*H11

7. Visibility Splay Detail Before Devel ACC20 *2.4
*43
*0.6
*H11

8. Turning Areas Before Occ

ACC25 *refuse
*H11

9. The development shall not begin until details of the disposal of surface water from the highway, footpaths and other hard surfaces have been approved in writing by the Local Planning Authority and no dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: This information is required from the outset to ensure that surface water management is adequately addressed and does not increase flood risk in accordance with NPPF.

10. Notwithstanding Condition 1, the development shall not begin until details of a surface water management plan has been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with these approved details.

Reason: This information is required from the outset to ensure the development does not increase flood risk elsewhere in accordance with NPPF. Development Plan 2002.

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

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

12. No development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities). The approved statement shall be implemented and complied with during and for the life of the works associated with the development, unless otherwise is approved in writing by the Local Planning Authority.

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

Development Plan 2002.

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

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

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

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

15. Notwithstanding Condition 1, prior to the occupation of the first dwelling a scheme for the provision of secure undercover cycle storage for residential use shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings.

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

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

17. Notwithstanding Condition 1, prior to the construction of any dwelling above ground level details of a scheme, including a timetable for implementation, for the provision of pedestrian and cycle links to the existing pedestrian and cycle network 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 and agreed timescales.

Reason: In the interests of highway and pedestrian safety having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

18. Notwithstanding condition 1, prior to the construction of any dwelling above ground level a revised landscaping plan including a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. These details shall include replacement trees locally native

(March-August inclusive) unless a survey by a suitably qualified ecologist has checked for the presence of nesting birds and these results shall be submitted to and approved in writing by the Local Planning Authority.

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

25. Notwithstanding condition 1, prior to the construction of any dwelling above ground level details of bird and box designs and their proposed locations shall be submitted to and approved in writing by the Local Planning Authority. A total of 4 bird and 4 bat boxes will be installed within the scheme. The bird and bat boxes shall be installed prior to the occupation of the first dwelling and shall be retained thereafter.

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

26. Prior to the commencement of construction works of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This information is required to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

27. Notwithstanding the details to be submitted pursuant to condition 1, 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.

28. Notwithstanding Condition 1, prior to the construction of any dwelling above ground level a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

-Details of the window glazing and mechanical ventilation to be provided for bedrooms of plot numbers 01, 02 and 45 to 54 on layout plan drawing number 14-15 and 54/POT, with line of sight to DS Smith Packing, as outlined in noise report reference NIA/6534/16/6418/v3, to ensure the bedrooms meet the good internal equivalent standard of 30 dB LAeq, T at night and prevent the exceedance of LMAX of 45 dB(A) as described in BS8233:2014.

-Details shall be provided to ensure habitable rooms meet internal equivalent standard (bedrooms meet the good internal equivalent standard of 30 dB LAeq, T at night and prevent the exceedance of LMAX of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq, T) as described in BS8233:2014.

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

29. Notwithstanding Condition 1, prior to the commencement of any dwelling above ground level details of the ventilation scheme for:

-Plot numbers 55-63, 77-79 and 80-87 habitable rooms on layout plan drawing number 14-15&54/PO2 for habitable rooms, located on the northern and eastern boundaries shall be submitted to and approved in writing by the Local Planning Authority. These details shall be implemented prior to occupation and retained thereafter to ensure an appropriate standard of ventilation that meets as a ventilation that meets as a minimum System 4 of Table 5.2 of Approved Document F, to mitigate delivery and car park noise from the supermarket.

-Habitable rooms located on the northern and eastern boundaries of the application site, to mitigate road noise, shall be submitted to and approved in writing by the Local Planning Authority. These details shall be implemented prior to occupation and retained thereafter to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2 of Approved Document F.

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

30. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays. If piling activities are required at the site these shall be restricted to the hours 10:00 - 14:00 hours Monday to Saturday only.

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.

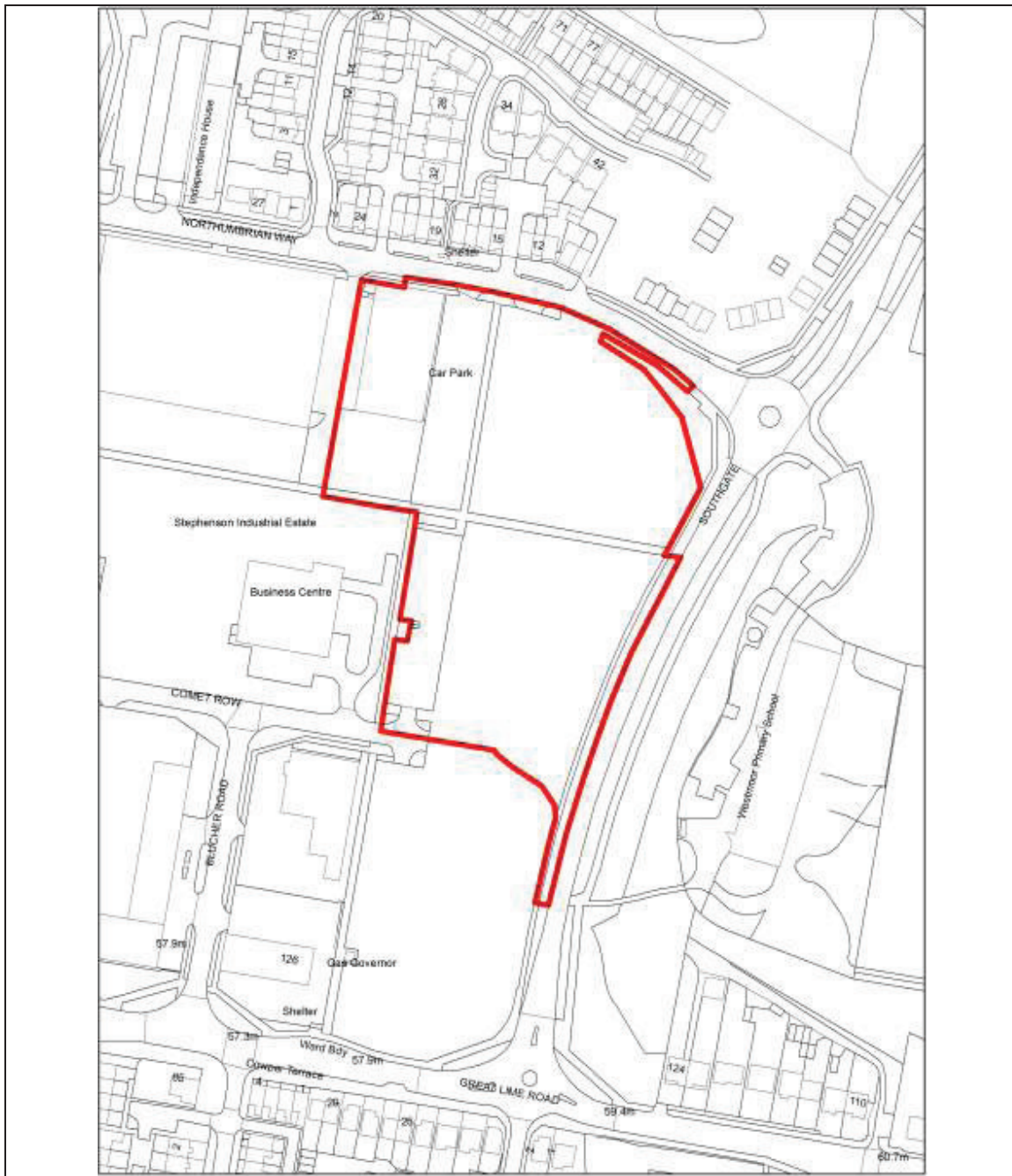
Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)
Consent to Display Advertisement Reqd (I04)
Contact ERH Construct Highway Access (I05)
Contact ERH Works to Footway (I08)
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)

Northumbrian Water has advised that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus 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: 16/00232/FUL

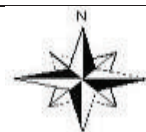
Location: Land At Former Stephenson House, Northumbrian Way, Killingworth, NEWCASTLE UPON TYNE

Proposal: Residential development for 87 units with associated access, landscaping and open space

Not to scale

Date: 28.04.2016

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Item 5.1

Appendix 1 – 16/00232/FUL

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for a residential development for 87 units with associated access, landscaping and open space.

1.3 The site is accessed from Northumbrian Way to the north and Southgate to the east, which is shared with the recently approved access for the retail store to the south.

1.4 A Transport Assessment (TA) was submitted which assessed the affect of development traffic on the local highway network and in order to improve pedestrian links with Killingworth town centre and public transport the developer will be required to provide a light controlled crossing on Northumbrian Way.

1.5 Parking has been provided in accordance with the standards set out in LDD12 and the highway layout meets current standards in terms of turning areas, pedestrian access and general layout.

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:

New footpath on Northumbrian Way linking into existing footpaths
Upgrade of others footpaths surrounding the site
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture and signage

1.9 The applicant will be required to enter into a Section 106 Agreement for the following:

£45,000 for a light controlled crossing on Northumbrian Way
£20,000 Travel Plan Bond

1.10 Conditions:

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

ACC11 - New Access: Access prior to Occ

ACC17 - Exist Access Closure: Misc Points, By *6 months

ACC20 - Visibility Splay: Detail, Before Devel (2.4m by 43m by 0.6m)
ACC25 - Turning Areas: Before Occ
ACC27 - Traffic calming measures to 20mph
DRN02 - Housing Est: Details, Road Drainage, No Occ
REF01 - Refuse Storage: Detail, Provide Before Occ
SIT05 - Construction Management

No development shall commence until a scheme for the provision of secure undercover cycle parking 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 pedestrian and cycle links to the existing pedestrian and cycle network 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.

Notwithstanding the Framework Travel Plan submitted, the Travel Plan shall be developed as set out and implemented in accordance with the details submitted.

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

No development shall commence until a detailed scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority.

Reason: In the interests of highway safety.

1.11 Informatives:

I05 - Contact ERH: Construct Highway Access
I08 - Contact ERH: Works to footway.
I13 - Don't obstruct Highway, Build Materials
I45 - Street Naming & Numbering
I46 - Highway Inspection before dvlpt

1.12 Lead Local Flood Authority

1.13 This application is for a residential development for 87 units with associated access, landscaping and open space.

1.14 A Flood Risk Assessment (FRA) was submitted as part of the planning application that analysed various flooding scenarios that could be associated with the site. The site is considered to be at low risk of flooding from all sources with some minor ponding issues to the perimeter of the site along Northumbrian Way.

1.15 A detailed surface water management plan will be prepared with agreed discharge rates and 50% betterment than current rates

1.16 It is considered that the outline proposals are acceptable in principle and subject to detailed design, conditional approval is recommended.

1.17 Recommendation - Conditional Approval

1.18 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 effective surface water management

1.19 Design

1.20 Initial comments:

1.21 The site sits within a mixed use area and needs to take account of the changing context; new residential units are currently being constructed to the north of the site and a new super market is planned to the south.

1.22 The application has a well designed layout that responds to the physical requirements of the site. The layout has been designed to connect into the local area with pedestrian links and views into the site. The units also present an attractive frontage to Southgate and Northumbrian Way.

1.23 Due to the high density design of the scheme, the amount of car parking provision is dominant. Unless a lower number of units was pursued then this is unavoidable, however creative landscaping and surface materials should be used to help create attractive streets. The proposed blacktop surface finish needs to be broken up with alternative materials; specifically in areas where there are views into the site (between units 8 and 9 and units 76 and 80) and in the entry point into the site.

1.24 There is no landscape plan; this should be submitted as part of the application and be used as an opportunity to soften the amount of car parking.

1.25 Boundary treatments are not supported; the timber kick rail fence should be replaced with low level railings to define front gardens. This will match with development currently under construction to the north of the site. Where a 1.8 m high close boarded fencing faces the public realm, it should be replaced with a brick wall with detailing. This applies to, for example, plots 87, 77, 76 and 25.

1.26 There is a variety of house types with subtle differences in heights, design and detailing. Corner turner units help to create visual interest and responds to site shape.

1.27 Overall I am generally supportive of the application but would like to see amendments for the above concerns before providing final comments.

1.28 Manager for Environmental Health

1.29 I am concerned about the impact of noise both from industrial noise from the adjacent industrial units off Stephenson Industrial Estate and elevated traffic noise from Southgate affecting the proposed residential housing development. Planning consent (ref 15/01708/FUL) has been given for a supermarket to the south of the site. Noise from deliveries, plant noise and customer noise from the supermarket car park may give rise to nuisance for the proposed residential properties.

1.30 I have viewed the noise reports references NIA/5537/14/5254/v2 dated October 2014 and NIA/6534/16/6418/v3, dated March 2016. The 2014 report indicates the dominant noise is road traffic to the north and east of the site adjacent to Northumbrian Way and Southgate. The dominant noise at location MP3 to the west of the site is industrial noise as this location is adjacent to the industrial estate and in close proximity to DS Smith Packaging. The dominant industrial noise arose from the waste compaction unit at DS Smiths Packaging. The noise from forklift truck movements was not considered significant and that night time vehicle movements are minimal at the DS Smith Packaging site, indicating that these are limited to 06:00 hours to 22:00 hours. A meeting was held with Environmental Health on the 15 July 2014 where the general manager of DS Smiths Packaging relayed his concerns that the housing development would restrict their ability to work 24 hours a day when required. He was considering an increase in vehicle movements through the site by the introduction of a one way system with subsequent increase in vehicle movements from heavy goods vehicles and fork lift trucks.

1.31 Visits to the area by Environmental Health in 2012 confirmed that there were other noise sources present from the industrial estate that consisted of forklift trucks, clashing noise from the movement of materials and reversing alarms. The 2014 report does not consider impact noise from reversing alarms and from movement of material and the updated 2016 report has not reviewed these operations in any further detail. The L_{MAX} noise levels should be reported within the assessment. The March 2016 noise report has not been updated with additional noise monitoring to reflect existing noise exposure for the proposed housing development.

1.32 The assessment of the industrial noise, particularly that arising from DS Smith Packaging waste compaction plant activity has not been carried out in accordance to BS4142. A BS4142 assessment indicates a significant adverse impact if the rating noise level from the plant is 10 decibels above the $L_{90}(A)$ background without the plant operating. No night time background noise levels were taken whilst the plant was not operating to allow an assessment under BS4142. The only mitigation proposed for habitable rooms is acoustic glazing with trickle vents. This is not considered an adequate form of ventilation. BS8233 only takes into account anonymous noise and therefore the levels set for reasonable living would not apply. I consider complaints will arise, if residents choose to open windows to ventilate their property, for those bedrooms facing towards DS Smiths Packaging.

1.33 Correspondence from DS Smith Packaging indicated that an agreement had been reached to mitigate the waste compaction unit noise at source. The waste compaction unit was to be replaced with an internal waste compaction unit with any external piping lagged to reduce potential noise from the unit. All collections of the baled waste would be scheduled for daytime reducing the number of night time lorry movements. This noise abatement measure will need to be secured via a Section 106 Agreement. The waste compaction unit is currently the dominant noise within the western boundary of the proposed site, the removal of the dominant noise will minimise the likely indication of a significant adverse impact from the packaging operation. However, it must be noted that other night time operations will take place such as movement of goods, reversing alarms etc and that it would be expected for the business to follow best practicable means. During my meeting on the 11th July 2014, I advised that to achieve best practice the use of electric forklift trucks, white noise reversing alarms and the operation of a one way system for lorries through the site would assist in minimising noise during the night period.

1.34 This mitigation work is outside the remit of the application and the burden would be placed upon the adjacent business DS Smiths Packaging.

1.35 I disagree with the recommendation within the 2016 noise report for the use of acoustic trickle vents for the northern facade. Habitable bedrooms to the north western boundary of the site with line of sight to DS Smiths Packaging will require acoustic glazing and mechanical ventilation to provide an alternative to opening windows for ventilation, as there will still be associated operational noise from the site in the form of clashing and banging when materials are moved, and vehicle noise. Mitigation to garden areas has been considered within the noise report; a 2 metre high acoustic screen is recommended by the noise consultant along the western boundary to mitigate against noise from DS Smith Packaging for garden amenity and ground floor habitable rooms. Due to the elevated noise levels from road traffic, gardens will need to be screened from Southgate and Northumberland Way. The layout for the remainder of the site shows that gardens are proposed to the rear of the buildings and will be screened from Northumberland Way and Southgate; this will assist in mitigating the elevated noise levels from road traffic noise. Any gardens not afforded screening must be provided with a minimum 1.8 m high acoustic fencing.

1.36 Plant noise from the proposed supermarket has been considered within the planning consent ref 15/01708/FUL and conditions were imposed to mitigate and validate plant noise. This will ensure the external plant is appropriately mitigated to ensure no adverse noise impact on the proposed residential housing.

1.37 With regard to the delivery noise from the proposed supermarket, a BS4142 assessment has been carried out. A background noise level of 54 dB LAeq T has been provided for the ambient background noise level for the area, however this differs from the daytime LA90 background of 43 dB LA90 provided in acoustic report A096354 submitted for the supermarket development for the residential area immediately adjacent to the delivery bay. This influences the overall noise assessment of the delivery activities. I also disagree with the

impulsivity penalty applied for delivery noise. I would suggest that the noise from deliveries would be perceptible at the nearest sensitive receptor and therefore it would be more appropriate to apply a +6 or possibly +9 dB penalty. This would result in an adverse or significant adverse impact for the nearest residential properties adjacent to the delivery bay. The overall background noise level may reduce further once the residential development has been built and the road traffic noise is screened by the buildings themselves. This may then result in the delivery noise and other industrial noise being more intrusive. I would advise that to ensure internal noise levels are achieved an appropriate ventilation scheme will be necessary to enable residents in habitable rooms adjacent to the delivery bay to have adequate ventilation without the need to open windows, such as a whole house mechanical heat recovery system.

1.38 Planning Practice Guidance on Noise dated 2014 acknowledges that noise can constitute a statutory nuisance under the provisions of the Environmental Protection Act 1990. This will result in the existing businesses on the industrial estate and the proposed supermarket having restrictions being placed on their operations.

1.39 The aim of planning policy guidance under Section 123 is “avoid noise from giving rise to significant adverse impacts on health and quality of life” and “recognise that development will often create some noise” and that businesses “should not have unreasonable restrictions put on them”. The Planning Practice Guidance on noise (2014) recognised that mitigation can be provided to address noise; this can be in the form of engineered options at source to remove the noise and consideration of the layout of the buildings to provide screening of the noise.

1.40 The aim of planning policy guidance indicates the aim under Section 123 is “avoid noise from giving rise to significant adverse impacts on health and quality of life” and “recognise that development will often create some noise” and that businesses “should not have unreasonable restrictions put on them”. Statutory nuisance does consider locality of area however it does not consider who was present first.

1.41 If planning consent is to be given I would recommend that the agreed mitigation of the waste compaction unit is addressed via a Section 106 Agreement as part of any planning consent.

1.42 There will still be noise issues from reversing alarms along western boundary, although a 2 metre fence will minimise impact from reversing alarms for ground floor habitable rooms. This will not address first floor bedrooms and noise nuisance may still arise.

1.43 If it is the intention of planning to approve the application I would recommend the following:

Submit and implement on approval of the local Planning Authority a noise scheme providing details of the window glazing and mechanical ventilation to be

provided for bedrooms of plot numbers 01, 02 and 45 to 54 on layout plan drawing number 14-15&54/PO2, with line of sight to DS Smith Packing, as outlined in noise report reference NIA/6534/16/6418/v3, to ensure the bedrooms meet the good internal equivalent standard of 30 dB LAeq, T at night and prevent the exceedance of L_{MAX} of 45 dB(A) as described in BS8233:2014.

Submit and implement on approval of the local Planning Authority a noise scheme for the development site, providing details of the window glazing, in accordance to noise report reference NIA/6534/16/6418/v3, to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq, T at night and prevent the exceedance of L_{MAX} of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq, T as described in BS8233:2014.

Prior to development, the ventilation scheme for habitable rooms located on the northern and eastern boundaries of the development site, to mitigate road traffic noise, must be submitted for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2 of Approved Document F.

Prior to development, the ventilation scheme for plot numbers 55-63, 77-79 and 80-87 on layout plan drawing number 14-15&54/PO2 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 4 of Table 5.2 of Approved Document F, to mitigate delivery and car park noise from the supermarket.

There shall be no occupation of the residential dwellings at the development site, prior to works being completed for the internal relocation of the waste compaction unit at DS Smith Packaging.

Details of the 2 metre high double boarded fencing to be provided to the western boundary of the development site must be submitted and implemented on approval of the local Planning Authority, to attenuate noise from operations at DS Smith Packaging and the industrial estate.

Gardens on the residential estate should be orientated away from Northumbrian Way and Southgate to allow the buildings to provide mitigation against traffic noise. Details of the 1.8 metre double boarded fencing to be provided to the sides of rear gardens not afforded with sufficient screening by houses facing Southgate and Northumbria Way must be submitted for agreement in writing by the local Planning Authority and must be implemented prior to occupation.

SIT03

HOU04

Piling activities if required at the site to be restricted to the hours 10:00 - 14:00 hours Monday to Saturday only.

1.44 Contaminated Land Officer

1.45 I note that the ground investigation has identified areas of PAH and Arsenic contamination and has identified the need for a shallow abandoned coal mine workings investigation. Therefore the following should be applied:

GAS 06
CON 01

1.46 Conservation Officer

1.47 The locally registered Stephenson House having been demolished several years ago, the site no longer has significant heritage interest.

1.48 Landscape Architect

1.49 An arboricultural impact assessment has been undertaken and submitted as part of the application. The report identifies the removal of 14no. individual trees and 3 small groups (1-11, 17, 19 and 20, and groups 1-3). T1 to T11 are located on a raised bund which will require regrading to accommodate the development. It is proposed to remove these trees and replant in the same location. Tree 17 (C) is not worthy of retention in its proposed location, and trees 19-20 (C) and Groups 1-3 require removal to allow construction of dwellings and the access infrastructure.

1.50 The majority of trees are identified as low value and 4 individual trees were classified as Category B trees of moderate value – (it should be noted that although 4 trees were classified as Category B trees due to their size and condition being reasonable, they are all relatively small trees of little stature that were part of the landscaping form within the sites previous layout, and their retention value should be seen as similarly limited).

1.51 Replacement tree planting has been proposed to compensate for the loss of canopy cover. Trees 1-11 can be replaced at the same location, but with new trees chosen to integrate better with the new layout. All other tree removals can be compensated for with a landscape scheme to include some tree planting across the site. However additional tree planting should be proposed to the verge fronting Southgate (these can be a fastigate species of tree) to enhance both the development and the transport corridor.

1.52 The retained trees will be protected in accordance with BS5837:2012 '*Trees in relation to design, demolition and construction – Recommendations*'.

1.53 I do not have any objection to this application, subject to the following conditions being attached to the application:-

-A detailed landscape plan must be submitted to the Local authority for approval prior to development commencing detailing replacement trees and locally native planting of benefit to biodiversity.

-Arboricultural Method Statement and Tree Protection Plan to be submitted

1.54 Ecology Officer

1.55 With regard to the above application, the following is noted in the ecological report:-

“A single industrial building is located in the north-east corner of the northern section of the Site. This has been zoned-off from the rest of the Site by security fencing. This building has previously been assessed for its ecological value as part of another planning application and therefore does not form part of this assessment”

1.56 Has this building already been demolished? If not, do we have a copy of the ecological assessment of this building?

1.57 The Arboricultural survey notes that 14 trees and 3 tree groups require removal to accommodate the development, with trees 1-11 being replaced in their current position as part of new landscaping plans within the site. Additional tree planting will also need to be undertaken to mitigate for the loss of the other trees and tree groups.

1.58 I do not have any objection to this application, subject to the following conditions being attached to the application:-

1.59 Conditions

-A detailed landscape plan must be submitted to the Local authority for approval prior to development commencing detailing replacement trees and locally native planting of benefit to biodiversity.

-4 bird and 4 bat boxes must be provided within the scheme. Details of design and location of boxes to be provided to the Local Authority for approval prior to development commencing.

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

2.0 Representations

2.1 One letter of support has been received. These comments are summarised below:

-Supportive of the development.

-Welcome the regeneration of this land.

-The disused factory and wasteland is currently an eye-sore from our windows.

-Happy to see new life breathed into this area.

-Request traffic calming measures on Northumbrian Way. Cars currently drive quite quickly passed our house. Without such measures, we would be concerned that the speed on this road could lead to reckless driving and potential accidents in a residential area.

-Support an increase in buses to and from Newcastle city centre and the introduction of a Metro station in West Moor or Killingworth.

3.0 External Consultees

3.1 Northumbrian Water

3.2 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 "*Drainage Statement*". In this document it states that foul flows from the proposed development will discharge to a combination of the existing 225mm, 300mm and 375mm diameter combined sewers via the manholes identified in the pre-development enquiry response from Northumbrian Water enclosed within the report.

3.3 This document further states that surface water from the northern section will be restricted to 75l/sec and will discharge to the existing 600 / 750mm diameter surface water sewer upstream of manhole 3602, whilst surface water from the southern section will discharge at a restricted rate of 15l/sec to the existing 525mm diameter surface water sewer downstream of manhole 3602.

3.4 We would therefore request that the *Drainage Statement* form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

3.5 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.

3.6 For information only:

3.7 We can inform you that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus 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.

3.8 Police Architectural Liaison Officer

3.9 I have looked at the associated document from a crime prevention point of view and have noted comment at paragraph 6.18 in the Design and Access statement in relation to the principles of Secured by Design (SBD) however I can find no other reference to SBD or in fact security of the units, therefore can I ask that my details are passed to the applicant with a recommendation that they make contact in order that this issue can be discussed.

3.10 Nexus

3.11 The site of the development proposed is excellent for public transport accessibility with several bus services within 400 metres of all dwellings.

3.12 Nexus recognises the inclusion of measures within the travel plan to promote sustainable travel but requests that should the application be granted, it is subject to the following condition:

3.13 Paragraph 6.5 of the travel plan should be amended to include the provision of two four weekly two zone Network One travel passes per dwelling that residents can apply for upon occupation of the dwelling.

3.14 This would be an enhanced incentive to encourage the use of public transport and prevent congestion on the roads around this area of North Tyneside from the additional road users that this development may create.

3.15 Historic England

3.16 The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

3.17 It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

3.18 Tyne and Wear Archaeology Officer

3.19 Archaeological Services Durham University produced an archaeological desk based assessment for this site in 2013.

3.20 The course of a colliery waggonway runs through the site from north to south. It was built to link West Moor Colliery with staiths on the River Tyne. The colliery opened in 1805. By 1828 the waggonway was extended to Burradon Colliery, which had opened in 1820.

3.21 It is likely that the waggonway has been truncated or destroyed by the construction of Stephenson House. It may however survive outside the footprint of the existing building (north part of the site). Evaluation trial trenches would not be justified. However I recommend an archaeological watching brief as I did with nearby Norgas House.

Archaeological Watching Brief Condition

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policy E19/6.

Archaeological Watching Brief Report Condition

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

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

3.23 Environment Agency

3.24 We will not be responding to this consultation as it is outside our remit.