

Item No: 5.3
Application No: 16/00326/FUL Author: Haley Marron
Date valid: 29 February 2016 ☎: 0191 643 6330
Target: 30 May 2016 Ward: Camperdown
decision date:

Application type: full planning application

Location: Silverbirch Hi Tech Units, Mylord Crescent, Camperdown Industrial Estate, Camperdown, NEWCASTLE UPON TYNE

Proposal: Proposed 40no. dwellings (10 no. 2 bed houses, 26 no. 3 bed houses and 4 no. 2 bed bungalows) with associated landscape and infrastructure works. Revised noise survey and house types submitted 27.5.16.

Applicant: Galliford Try Partnerships North, FAO Mr David Atkinson 2 Esh Plaza Sir Bobby Robson Way Great Park Newcastle Upon Tyne NE20 9SG

Agent: Blake Hopkinson Architecture LLP, FAO Mr Darren Blake 11 New Quay North Shields Tyne And Wear NE29 6LQ

RECOMMENDATION: Application Permitted

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 having regard to the loss of employment land and the proximity of industrial premises to the north and west of the site;
- The impact of the proposal upon the character and appearance of the surrounding area;
- Impact on landscaping and biodiversity;
- The impact on residential amenity;
- Whether sufficient parking and access would be provided; and
- Other matters including ground conditions and flood risk and drainage.

2.0 Description of the Site

2.1 The application site is located at the south east corner of Camperdown Industrial Estate at the junction of Killingworth Way and Station Road. The site area is approximately 0.99 hectares.

2.2 The site is designated as employment land within the Council's Unitary Development Plan (UDP) 2002. It is noted that the site is designated as an allocated housing site within the Council's Local Plan Pre-Submission Draft

(2015). The site is currently occupied by a vacant single storey building comprising of 8no. business units.

The site has already been cleared of its vegetation and has been declared surplus to Council requirements.

2.3 The site is level although it does sit at a lower level than the adjacent highways, Station Road and the A1056. The site dips away towards the southern end of the site. There is a sharp rise along the northern and eastern site boundaries.

2.4 To the north of the site and west are more industrial premises. To the north east and east of the site beyond the public highway is existing housing. To the south is Killingworth Way, with more established housing located to the south east of the roundabout.

3.0 Description of the Proposed Development

3.1 Permission is sought to construct 40no affordable housing units with associated access and parking. 10no 2-bed houses, 26no. 3-bed and 4no 2-bed bungalows are proposed.

3.2 The development is arranged mainly in blocks of semi detached dwellings with their rear gardens backing onto the highways surrounding the site.

3.3 Car parking is proposed to the front of each dwelling. Access to the site is via the existing road infrastructure on Mylord Crescent and the internal estate road.

3.4 The trees which overhang the site to the north and eastern boundaries will be thinned out. Additional tree planting is proposed within the site and just outside the southern boundary on Council owned land, adjacent Killingworth Way.

4.0 Relevant Planning History

4.1 15/00525/DEMGDO Steel frame, metal clad wall and roof to be demolished. The industrial estate has fallen into disrepair and is beyond restoration. Permitted 13 May 2015.

5.0 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.

6.0 Government Policy

National Planning Policy Framework (NPPF) (2012)

National Planning Practice 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 proposal. Due weight should still be attached to

Development Plan policies according to the degree to which any policy is consistent with the National Planning Policy Framework.

PLANNING OFFICERS REPORT

8.0 Main issues

8.1 The main issues in this case are:

- Whether the principle of residential development on this site is acceptable having regard to the loss of designated employment land and the proximity to industrial uses;
- The impact of the proposal upon the character and appearance of the area;
- Impact on landscaping and biodiversity;
- The impact on residential amenity;
- Whether sufficient parking and access would be provided; and
- Other matters including ground conditions and flood risk and drainage.

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

9.0 Principle of Development

9.1 Loss of employment land

9.2 The National Planning Policy Framework states that planning policies should avoid the long term protection of sites allocated for employment use where there is no 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.

9.3 The site is situated on the south eastern corner of the much larger Camperdown Industrial Estate and opposite existing housing on Station Road. The site is designated as a current employment area according to policy LE1/4 of the North Tyneside Unitary Development Plan 2002.

9.4 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.

9.5 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.

9.6 Policy LE1 seeks to ensure a provision of a range of sites from employment across the districts to meet the needs throughout the plan period.

9.7 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 unacceptable conflict.

9.8 The Council's Local Plan Pre-Submission Draft 2015, endorsed by Full Council in October 2015, includes this site as a potential site to meet future housing requirements. It is not designated for future employment use.

9.9 The Council published an Employment Land Review in February 2015. This report concludes that the wider industrial estate should be retained for employment land with it being a good location close to strategic highways and established tenants of Fenwick's and John Lewis on site. However, where there is an interface with existing housing it concludes the application site could be developed for housing. The loss of employment land is therefore acceptable.

9.10 The Council has deemed the site surplus to its requirements. The existing building on the site is vacant and has been for more than two years. Prior to 2014 the building was running under capacity with only two units (out of eight) being occupied. It is considered that the building has reached life expectancy and could not be brought back into employment use without significant investment and refurbishment.

9.11 It is considered the proposals would regenerate an older industrial site and the development would meet an identified affordable housing need. The site is located directly opposite established housing and relates well to the existing area.

9.12 Officers have also been advised that the revenue from the sale of the site will go towards improving Council's 'Commercial Estates Review' where the Council will improve and invest in Council owned industrial premises across the Borough.

9.13 Having regard to the above, Members need to consider whether the loss of employment land is acceptable and whether it would accord with the NPPF, policies LE1/4, LE1 and LE3 and weight this is their decision.

9.14 One of the core planning principles in NPPF, is to encourage the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value. This proposal would re-use land that is previously developed and is not of high environmental value and therefore in this respect it would be in accordance with NPPF.

9.15 NPPF also states that amongst other matters planning decisions should aim to recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

9.16 Policy E3 seeks to minimise the impact of pollution on the environment and will support measures to reduce existing pollution to the lowest practicable levels

9.17 Policy H11 states that the local planning authority will require that any proposals take into account the impact of the proposal on its site, local amenity, the environment and adjoining land uses.

9.18 The site is located on the southeast corner of Camperdown Industrial Estate at the corner of Station Road (B1505) and Killingworth Way (A1068). To the west of the site are three businesses which may be affected by the development. To the south west corner is Permatt Fork Lift Truck Limited. The company specialises in servicing, maintaining and hiring fork lift trucks. Adjacent is Silver Birch House and DCS House, both are business centres currently used as offices. Next is 'Swift House Interiors' which is a joinery work shop. Immediately north of the site is Metnor House, hosting Metnor House Engineering Limited. All of these businesses have objected to the planning application.

9.19 The objections received regarding the impact on existing businesses are set out in the Appendix to the report. These objections are noted.

9.20 The applicant has submitted a noise report for consideration. This report identifies that noise levels affecting the proposed development would be from road traffic and activities associated with the industrial units, including Permatt Fork Lift Trucks. This report advises that during the night time period no activity occurred at Permatt Fork Lift Trucks. They have advised that from discussions with this business operator that on two occasions per week an HGV may arrive or depart the site between 03:00 and 07:00.

9.21 Noise levels for the proposed garden areas have been considered. Garden noise levels are a result of both road traffic and industrial noise. These levels are marginally above the upper limit of 55dB as specified in BS 8233. The noise report identifies that to protect external amenity areas; noise barriers of different heights are proposed. To be effective in practice, the barrier should have not cracks or gaps and be continuous to the ground, such as a timber fence or brick wall. It is suggested that barrier of 2.5m in height is proposed to the rear gardens of plots 35 -40 and to the western boundary of Plot 7. A barrier of 1.8m in height is proposed to the rear gardens of plots 1, 19-28 and 29 -34. A barrier of 1.8m in height is also proposed to the west boundaries of the rear gardens of Plots 1 -6. The use of acoustic barrier protection would assist in reducing the noise levels as far as is considered practicable on this site.

9.22 The noise report has also considered the noise impact from Permatt Fork Lift Trucks across the site during the daytime and night time. It is noted that the noise impact across the site is higher during the night time due to the shorter reference period used in BS 4142. The report has considered a penalty for the character of the noise produced by Permatt Fork Lift Trucks. The sound characteristic associated with this business is considered to be intermittent and impulsive.

9.23 The noise report states "An assessment to BS 4142 shows the rated noise impact to be 33dB above the measured background during the night time at the nearest proposed fanade. This is considered "likely to be an indication of a significant adverse impact", according to BS 4142". BS 4142 assesses the noise

externally. The applicant considers that suitable internal conditions will be achievable with appropriate facade treatment and ventilation strategy. The applicant has acknowledged that suitable internal conditions may not preclude complaints from the residents of the proposed development. All dwellings on the site will require some form of Mechanical Ventilation Heat Recovery (MVHR) system to achieve the internal sound levels needed to reduce the noise to an acceptable level. There are different types of system depending on the location within the site. The submitted report does not recommend to fix shut windows as future occupants may wish to open windows at times to purge ventilate the house. The applicant has advised that there is no need to do this from a clean air viewpoint as the MVHR provides continuous passive fresh air circulation without opening windows. It is more of a perception issue. The applicant has acknowledged that the windows facing towards the forklift plant are the ones most susceptible to noise issues if opened. The applicant has advised that if the LPA insists on fixed shut windows then fixing the window to habitable rooms on the principal facades to plots 1-14 and 35-40 would be acceptable.

9.24 The supporting letter submitted by the applicant suggests a condition should be required for non openable windows and that the "Buyer Beware" principle be applied.

9.25 The Manager for Environmental Health has been consulted. She has considered the submitted noise report and accompanying letter. She does not consider that the use of living accommodation with non openable windows will provide a good standard of living for future occupants and does not consider that this should be used to permit housing development. She has advised that if the windows are openable then there is a likelihood of nuisance complaints. The noise of reversing alarms and car horns from vehicles associated with industrial activities would not be anonymous noise and would be intrusive if compared with the existing background noise levels. She considered that the noise level from Permatt Fork Lift Truck would create a very distinctive noise and does not consider that the penalty correction of 6dB is sufficient. The applicant has shown that if windows are permanently closed, with mechanical ventilation, that acceptable internal noise levels can be achieved.

9.26 The Manager for Environmental Health acknowledges that the impact will be reduced internally by the acoustic glazing and ventilation mitigation. However, this will not allow future occupants to open windows if they wish to enjoy a reasonable level of amenity. As already advised the noise from the adjacent business will be intrusive and not anonymous noise. This level of mitigation implies that the noise is likely to lead to complaints. If the noise is considered to be causing a statutory nuisance, then the Council would be obliged to serve a notice upon the company. Members need to balance this issue against the advice set out in Paragraph 123 of the NPP. Members also need to consider whether the use of non openable windows to the front facades of Plots 1-14 and 35-40 is sufficient mitigation that would negate the need for future occupants to complain. It is noted that the use of non openable windows are used in more urbanised areas and passive housing (ultra low energy housing).

9.27 The Manager for Environmental Health acknowledges that the amended noise report has considered additional noise mitigation to the A1056 and fork lift

truck noise, with a 2.5m acoustic barrier being provided to these plots. It is noted that there are difference in levels across the site. She has advised that a site visit has indicated that Station Road is approximately 0.5m higher than the application site. The A1056 is approximately 2m higher than the application. To ensure the proposed acoustic barrier is effective, its positioning will need to take into account these differences in levels. It is considered that these details can be secured by condition.

9.28 Members must consider whether the development can provide suitable mitigation for future occupiers and balance this against the potential impact on existing businesses and the need to make efficient use of land to ensure that the housing needs of the Council can be achieved. It is recognised that in higher noise areas, such as city centres or more urbanised areas, that a compromise between elevated noise levels and other factors such as making efficient use of surplus employment land, needs to be struck.

9.29 Members need to consider whether the proposal would create an acceptable residential environment for future occupiers that would avoid placing unreasonable restrictions upon existing businesses in accordance with NPPF, policy E3 and policy H11 and weight this in their decision.

10.0 North Tyneside 5-Year Housing Land Supply

10.1 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.

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

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

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

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

10.6 Furthermore, the development is for 100% affordable housing. The Housing Strategy Manager fully supports the application. It is officer advice that it would make a significant contribution towards meeting the Council's target for the delivery of affordable housing.

11.0 Impact on the character of the area

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

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

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

11.4 The site is located at the entrance of Camperdown Industrial Estate at the direct interface with existing housing. Opposite the site entrance is established housing on Station Road. Two storey terraced housing continues northwards on both sides of the road. To the south east of the application site beyond Killingworth Way roundabout are established housing areas.

11.5 The application proposes 40no. new dwellings at the entrance of the industrial estate. The site will be accessed using existing road infrastructure on Mylord Crescent. The development would be self contained and laid out mainly in blocks of semi detached dwellings with car parking to the front. Rear gardens back onto the main roads to the north, east and south boundaries of the site.

11.6 With the exception of the 4no. bungalows, the development would be two storey in height and of contemporary appearance. Proposed building materials include red brick, grey slate roofs, grey windows, light oak doors and art stone dressings. Improvements have been made to surface road materials to give some variation to the scheme including block paving to visitor parking bays and red chipping to shared surface areas.

11.7 Regarding density, Policy H12 Housing Density of the UDP encourages developments which make the most efficient use of land and requires the local planning authority to seek new residential development at a rate of between 30 and 50 dwellings per hectare. The density of housing at this site is 40 dwellings per hectare and it is officer advice that this would be an appropriate density in accordance with Policy H12. However policy H12 cannot be given full weight as it is not fully in accordance with the advice in NPPF, which states that local

planning authorities should set out their own approach to housing density to reflect local circumstances.

11.8 It is officer opinion that the proposal is acceptable in terms of its layout, design, scale, density, massing and accords with UDP policies H11, H12 and DCPS14 and Local Development Document 11 on Design Quality.

12.0 Landscaping and Biodiversity

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

12.2 Trees and landscaped features make a significant contribution to the character and appearance of the urban area and to nature conservation. Trees in parks and public open spaces, in private gardens and grounds and on streets and highways are all significant in this respect.

12.3 UDP Policy E12/7 states that development which would adversely affect the contribution to biodiversity of wildlife links will not be permitted unless alternative site is reasonably available or appropriate measures of mitigation of, or, compensation for, all the adverse effects are secured, where appropriate through conditions or obligations.

12.4 UDP Policy E14 states that the Local Planning Authority will seek to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development and whenever possible in other suitable locations.

12.5 To facilitate the proposed development the trees within the site have been cleared. The applicant has removed the trees in advance of the application to avoid the bird nesting season and assist in a speedier delivery of development should planning permission be successful.

12.6 Members are advised that the trees could have been removed at any time, subject to landowner agreement, because the trees were not afforded any legal protection. None of the trees that were on the site were protected by a Tree Preservation Order nor were they in a Conservation Area.

12.7 The loss of the trees within the site however is a material planning consideration because they have been removed directly to facilitate the development. The trees had an amenity value and enhanced the buffer planting to the busy transport corridors on Station Road and Killingworth Way.

12.8 The trees on site also had an ecological value. The Habitat Survey submitted with the application and which was undertaken prior to the tree removal, concludes that although no protected species were found on site at the time of survey, the trees had potential to provide valuable habitat for wildlife including bats, birds, hedgehogs, invertebrates and badger setts.

12.9 On the basis of the above amenity and ecological issues, it is considered mitigation is required for the loss of trees on the site.

12.10 The applicant proposes new landscaping within the site including tree planting and hedgerow planting to the site perimeter. Additional tree planting is also proposed just outside the southern site boundary. The existing tree planting overhanging the site north and east site boundaries will be retained and thinned out.

12.11 Furthermore, a financial contribution is proposed towards off site mitigation (£1,400). It is proposed that the contribution will go towards a Woodland Management Strategy which would involve the planting of 400no. new trees off site. The contribution will be secured through any Land Sale Contract.

12.12 The Council's Landscape Architect does not object to the application. She has reviewed the Tree Survey submitted assessing the remaining trees which currently overhang the site. She accepts further removal of trees to the north and east boundary because they are of poor quality and their removal will benefit the remaining trees which are predominantly overgrown and self seeded. She welcomes new planting to Killingworth Way.

12.13 The Biodiversity Officer does not object to the application subject to conditions, including the provision of bird, bat and hedgehog boxes.

12.14 Members need to decide whether the proposal acceptable in terms of the above the NPPF and UDP policies E14 and E12/5.

13.0 Impact of the development on neighbours

13.1 The NPPF always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

13.2 UDP Policy H5 also relates to impact of a development on its site, local amenity, the environment and adjoining land uses.

13.3 UDP Policy H11 Design Standards and Development Control Policy Statement No.14 'New Housing Estates - Design and Layout' of the North Tyneside UDP refer to design and layout standards for new residential development including the impact of the proposal on its site, local amenity, the environment and adjoining land uses. DCPS No. 14 also sets out minimum privacy distances, which should be maintained between dwellings to protect privacy and outlook.

13.5 Immediately to the east of the site there are existing two storey properties on Station Road. The separation distance between the development and these properties range between 24m and 28m. These distance complies with DCPS14 which requires 21m between two storey housing.

13.6 Separation distances within the site are also acceptable and comply with DCPS14.

13.7 Members need to decide whether the development complies with the NPPF and UDP policies H5 and DCPS14.

14.0 Car Parking and Access

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

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

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

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

14.5 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.

14.6 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.

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

14.8 The objections received regarding the impact on the highway network and parking provision are set out in the Appendix to this report. These objections are noted.

14.9 The site is accessed from existing highways infrastructure within Camperdown Industrial estate.

14.10 A Transport Statement (TS) has been submitted with the application. This assesses the affect of development traffic on the local highway network. Given the existing use and number of units proposed, it is considered that no off site highway works are necessary.

14.11 Parking has been provided in accordance with the standards set out in LDD12. For the 3-bed properties two car parking spaces have been provided. For the 2-bed properties 1 space has been proved. 13no. visitor car parking spaces have been provided throughout the development.

14.12 The proposed layout of the development meets current standards in terms of turning areas, pedestrian access and general layout.

14.13 The Highways Network Manager has been consulted and satisfied with the proposals.

14.14 It is the advice of Officers that the application is acceptable in terms of access, parking provision and impact the surrounding highway network.

14.15 Members need to determine whether the proposal complies with the NPPF and UDP policies T6, T8, T9, T11 and LDD 12.

15.0 Other Matters

15.1 Ground conditions

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

15.3 UDP policy E3 seeks to minimise the impact of pollution on the environment. The NPPF is consistent with the aims of this policy and the conclusions in the committee report remain the same.

15.4 Policy E7 states that derelict and despoiled land in the borough will be reclaimed as resources permit having regard to the extent of environmental benefits of individual schemes in assisting urban and community regeneration, improving the appearance of the area and maintaining and improving the wildlife value of the site.

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

15.6 A Phase One Environmental Desk Based Assessment has been submitted. The Assessment recommends further ground investigation on site.

15.7 The Council's Contaminated Land Officer has been consulted and does not object to the proposals subject to a planning condition investigating the possibility and remediation of any contamination on site as a result of industrial buildings previously being on the site.

15.7 Members need to decide whether the proposal complies with the NPPF and UDP policies E3, E7 and E13.

16.0 Flood risk and drainage

16.1 The NPPF states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk.

16.2 The site is within flood zone 1 and less than 1 hectare. A flood risk assessment is therefore not required. The applicant has however submitted a Drainage and Utilities Assessment.

16.3 Northumbrian Water do not object to the development. They recommend a detailed drainage scheme for the disposal of surface and foul water should be required by condition.

16.4 The Local Lead Flood Authority raises no objections subject to the imposition of the condition recommended above.

17.0 Obligations

17.1 The Council's Supplementary Planning Document LDD 8 on Planning Obligations is a material consideration with substantial weight. Planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve high quality environment where people choose to live, work, learn and play and should comply with local, regional and national planning policies.

17.2 Regulation 122 Community Infrastructure Levy (CIL) Regulations 2010 also came into force in April 2010 and 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 of whether an obligation is:

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

17.3 In line with LDD8 'Planning Obligations', the Local Planning Authority has carried out internal consultation with colleagues and has identified the potential for obligations towards equipped play, parks, education and the provision of 1 apprenticeship during construction. However in this case Members are advised to take into account the benefits of the development in terms of providing affordable housing when assessing the need for contributions.

17.4 The applicant has stated that:

"The proposed development essentially seeks to re-develop a brownfield site with a development of 40 family homes to be sold on a shared ownership basis. The proposed housing replaces redundant industrial units. The applicant's development partner The Riverside Group has produced an Existing Use Value appraisal for to demonstrate the viability of the scheme. It is reasonable to conclude that the imposition of Section 106 payments would jeopardise the viability of the scheme meaning that it would be unlikely to proceed".

17.5 Officer advice is that in this instance it would not be expedient to request s106 contributions due to the impact on the financial viability of the scheme and the wider benefits of the development. Members must decide whether these benefits are significant enough to outweigh the need for s106 contributions.

17.6 It is noted the applicant has agreed to pay £1,400 towards tree planting off site. This will be secured through any Land Sale Contract as mitigation for the direct impact the development has caused on trees within the site.

18.0 Financial Benefits

18.1 The proposal involves the development of 40 new affordable homes.

18.2 The Government pays New Homes Bonus to local authorities to assist them with the costs associated with housing growth and payments were first received in the financial year 2011/12. They payments are based on the net addition to the number of dwellings delivered each year with additional payments made to encourage brining empty homes back into use and the provision of affordable homes. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

18.3 As the system currently stands, for North Tyneside, for the new increase in dwellings built in 2016/17, the Council will receive funding for the six years from 2018/19. It should be noted, however that the Government are currently reviewing the operation of the New Homes Bonus Scheme, including reducing the number of years for which payments are made. This was outlined in the Government Consultation paper "New Homes Bonus: sharpening the incentive: technical consultation," which they issued in December 2017. This consultation closed on 10 March 2016, and the Government are yet to report their findings.

18.4 In addition, the homes will bring revenue as a result of Council tax.

18.5 Members should give appropriate weight amongst all other material considerations to the benefit accrued to the Council as a result of the monies received from Government.

19.0 Conclusion

19.1 The Council does not currently have a 5-year supply of deliverable housing sites. The presumption in favour of sustainable development applies. NPPF advises that the Council should grant planning permission, unless the impacts of the proposal would significantly and demonstrably outweigh the benefits. The proposal has a number of benefits such as;

- Provision of additional housing all of which would be affordable; and
- Regeneration of a site that has been vacant since 2014.

19.2 An acceptable residential living environment can only be achieved by requiring windows fixed shut and mechanical ventilation to plots 1-14 and 35-40. It is preferable for residents to be able to open their windows, however if this was the case then it would likely result in complaints, which would impact upon the existing businesses. In this instance, it is considered acceptable to have windows fixed shut on 19 of the 40 properties to enable the site to be developed for much needed housing.

19.3 It is officer advice that the impacts of the proposal would not significantly and demonstrably outweigh the benefits. Therefore on balance and subject to conditions, it is recommended that planning permission should be granted.

RECOMMENDATION: Application Permitted

Members are 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:

- Upgrade of footpaths fronting site
- Provision of footway crossings
- Construction of visitor parking bays
- Upgrade of carriageway as necessary
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture and signage

Members are requested to authorise that the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures (Section 247/257 of the Town and Country Planning Act 1990) to secure:

- Stopping up of the highway that is no longer required.

Conditions/Reasons

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

- Application form.
 - Location plan (Scale 1:1250)
 - Existing site plan Dwg No. 100/11 Rev 1
 - Existing site sections Dwg No. 100/12 Rev 2
 - Proposed site plan Dwg No. 200/01 Rev 18
 - Proposed external finishes Dwg No. 700/02 Rev 4
 - Proposed sections and visualisations Dwg No. 200/02 Rev 3
 - Planting plan Dwg No. N522-PP-0001 Rev F
- House types:
- A38 Dwg No. 300/05 Rev 2 and 300/05 Rev 3
 - A34 Dwg No. 300/04 Rev 2 and 300/04 Rev 3
 - A32 Dwg No. 300/03 Rev 2
 - A22 Dwg No. 300/01 Rev 2 and 300/01 Rev 3
 - A26 Dwg No. 300/02 Rev 2 and 300/02 Rev 3

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

- | | | | |
|----|--------------------------------|-------|-----------------|
| 2. | New Access Access Prior to Occ | ACC11 | *H11 |
| 3. | Turning Areas Before Occ | ACC25 | *refuse
*H11 |

4. Notwithstanding Condition 1, the construction of the adoptable estate roads and footways shall not commence until the construction details have been approved in writing by the Local Planning Authority. No dwelling shall be occupied until the estate roads which provide access to the development from the existing highway have been laid out in accordance with these agreed 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.

5. Notwithstanding Condition 1, the construction of the adoptable estate roads and footways shall not commence until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with these agreed details.

Reason: In order to minimise flood risk in accordance with NPPF.

6. Notwithstanding Condition 1, the development hereby approved shall be carried out in full accordance with the submitted Construction Management Plan details.

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

7. Notwithstanding Condition 1, 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 having regard to NPPF.

8. Notwithstanding Condition 1, prior to construction of any of the dwellings hereby permitted above damp proof course level 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:

- Upgrade of footpaths fronting site
- Provision of footway crossings
- Construction of visitor parking bays
- Upgrade of carriageway as necessary
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture and signage

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

Reason: 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.

9. Notwithstanding condition 1, prior to the construction of any dwelling above ground level a detailed 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 new native hedge, tree and meadow grassland planting. Thereafter, the development shall only be carried out in accordance with these agreed details. Any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

10. Notwithstanding condition 1, prior to the construction of any dwelling above ground level details of bird and bat box designs and their proposed locations shall be submitted to and approved in writing by the Local Planning Authority. A total of 5 bird and 3 bat boxes will be installed within the scheme. The bird and bat boxes shall be installed prior to the completion of the development and shall be retained thereafter.

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

11. Notwithstanding Condition 1, prior to the construction of any dwelling above damp proof course details for the provision of suitable hibernacula for hedgehog and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, this provision shall be installed in accordance with these agreed details prior to the occupation of the first dwelling and shall be retained thereafter.

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

12. Notwithstanding Condition 1, any orchid(s) found on site shall be translocated into an appropriate landscaped area within the site (e.g. meadow grassland).

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

13. Notwithstanding condition 1, prior to the commencement of development details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with these agreed details.

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

14. Notwithstanding Condition 1, prior to the commencement of any part of the development a Method Statement for the eradication of Cotoneaster shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed details.

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

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

16. Notwithstanding Condition 1, 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.

17. Notwithstanding the details to be submitted pursuant to condition 1, prior to the construction of any part of the development hereby approved above damp proof course a schedule and/or samples materials and finishes for the development and all surfacing materials 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.

18. 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.

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.

19. Contaminated Land Investigation Housing CON01 *

20. Gas Investigate no Development GAS06 *

21. Notwithstanding Condition 1, development shall not commence until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

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

22. Notwithstanding Condition 1, prior to the operation of any part of the development hereby approved, the applicant shall undertake all necessary procedures required under Section 247/257 of the Town and Country Planning Act 1990 to secure the following;

- Stop up the adopted highway within the site that is no longer required.

Reason: In the interests of highway safety in accordance with policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

23. Notwithstanding Condition 1, prior to the construction of any dwelling above damp proof course level details of all boundary treatments and the acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: a 1.8m high acoustic barrier to all gardens facing Mylord Crescent and Station Road and a minimum of a 2.5m high acoustic barrier (Figure 7 of report ref 5033.2 E) to ensure a minimum of 55dB for external noise. These details must take into account the difference in levels between the site, Station Road and the A1056 to ensure that the acoustic barrier in the gardens equates to 1.8m in height at road level for Station Road and 2.5m in height at road level for the A1056. Thereafter, all boundary treatments, including the acoustic barriers, hereby approved shall be installed prior to the occupation of each dwelling and retained thereafter.

Reason: In the interests of protecting residential amenity from undue noise and disturbance having regard to NPPF and Policy H11 of the Council's Unitary Development Plan 2002.

24. Notwithstanding Condition 1, prior to the construction any dwelling above damp proof course details of the acoustic glazing and ventilation must be submitted to and approved in writing by the Local Planning Authority. These details must ensure that the minimum glazing and ventilation systems as stipulated in Table 1 and Figure 1 of the submitted report (Ref 5033.2A) are given to meet the upper internal noise levels as set out in Table 2 of the submitted report (Ref 5033.1A) for road traffic noise from Mylord Crescent and Station Road. Plots 15 to 32 must be provided with acoustic glazing 10-16-9.1 laminated double glazing and AD-F system continuous mechanical extract and a single acoustic trickle vent. The acoustic glazing must demonstrate the following internal noise levels in accordance with BS8233:

-30 dB at night in bedrooms and L max 45 dB.

-35dB during the day and

-35 and 40 dB for living room and dining room respectively.

Thereafter, the development shall be carried out in complete accordance with these agreed details. The agreed mitigation measures shall be installed prior to occupation of each dwelling and permanently retained.

Reason: In the interests of protecting residential amenity from undue noise and disturbance having regard to NPPF and Policy H11 of the Council's Unitary Development Plan 2002.

25. Notwithstanding Condition 1, prior to the commencement of any part of the development above damp proof course details of the acoustic glazing and ventilation system shall be submitted to and approved in writing by the Local Planning Authority. These details shall include minimum glazing and ventilation systems as stipulated in Table 1 and Figure 1 of the submitted report (Ref: 5033.2A) are given to meet the upper internal noise levels as set out in Table 2 of the submitted report (Ref: 5033.1A) for mixed road and industrial noise. The systems require mechanical ventilation AD-F system adequate to allow purge ventilation and acoustic glazing of 10-16-9.1 laminated double glazing or glazing of equivalent acoustic performance to be fitted to facades affected by traffic and industrial noise along the western and southern boundaries (Plots 11-14 and 35 - 40). The acoustic glazing details will need to demonstrate the following internal noise levels:

-30 dB minus BS4142 penalty at night in bedrooms and L max 45 dB.
-35dB minus BS4142 penalty during the day and
-35 and 40 db minus BS4142 penalty for living room and dining room respectively.

If there are any increase in window areas to rooms where the mitigation measures shall be installed further details will need to be submitted to ensure that the internal noise levels are met. Thereafter, the development shall be carried out in complete accordance with these agreed details. The agreed mitigation measures shall be installed prior to occupation of each dwelling and permanently retained.

Reason: In the interests of protecting residential amenity from undue noise and disturbance having regard to NPPF and Policy H11 of the Council's Unitary Development Plan 2002.

26. Notwithstanding Condition 1, prior to the commencement of any part of the development above damp proof course levels details identifying non openable windows to facades affected by traffic and industrial noise along the western and southern boundaries to Plots 1-14 and 35-40 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with these agreed details and shall be permanently retained.

Reason: In the interests of protecting residential amenity from undue noise and disturbance having regard to NPPF and Policy H11 of the Council's Unitary Development Plan 2002.

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

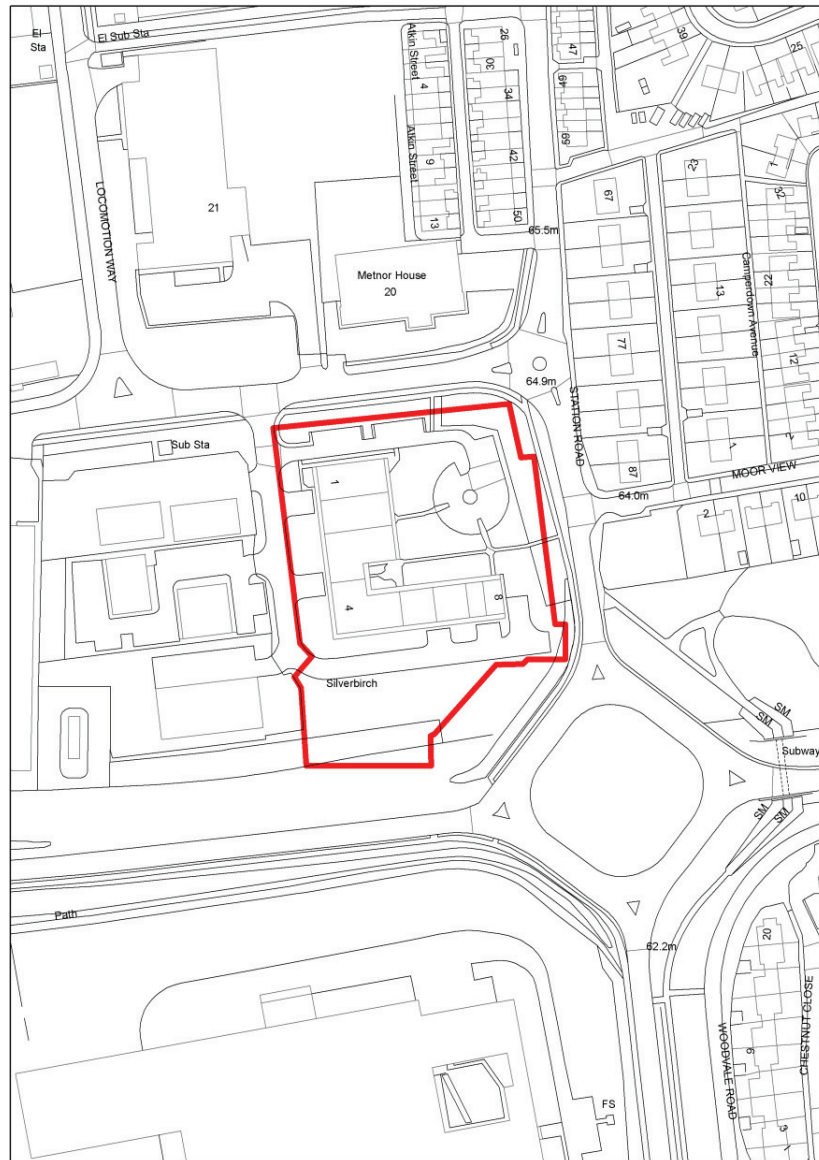
Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)



Application reference: 16/00326/FUL

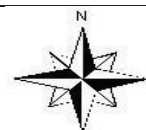
Location: Silverbirch Hi Tech Units, Mylord Crescent, Camperdown Industrial Estate, Camperdown

Proposal: Proposed 40no. dwellings (10 no. 2 bed houses, 26 no. 3 bed houses and 4 no. 2 bed bungalows) with associated landscape and infrastructure works. Revised noise survey and house types submitted 27.5.16

Not to scale

Date: 30.06.2016

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Appendix 1 – 16/00326/FUL
Item 5.3

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for 40 dwellings (10 two-bed, 26 three-bed and 4 two-bed bungalows) with associated landscape and infrastructure works.

1.3 The site is accessed from existing highways in the industrial estate.

1.4 A Transport Statement (TS) was submitted which assessed the affect of development traffic on the local highway network. Given the existing use and number of units proposed, it is considered that no off site mitigation is necessary

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 stop up the highway within the site that is no longer required under Section 247/257 of the Town and Country Planning Act 1990.

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

Upgrade of footpaths fronting site
Provision of footway crossings
Construction of visitor parking lay-bys
Upgrade of carriageway as necessary
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

1.10 Conditions:

ACC11 - New Access: Access prior to Occ

ACC25 - Turning Areas: Before Occ

The construction of the adoptable estate roads and footways shall not commence until the construction details have been 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 in accordance with the approved details.

Reason: In the interests of highway safety.

The construction of the adoptable estate roads and footways shall not commence until the details of surface water disposal 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: In the interests of highway safety.

The construction management plan shall be carried out in accordance with the details approved.

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

2.0 Local Lead Flood Authority

2.1 This application is for 40 dwellings (10 two-bed, 26 three-bed and 4 two-bed bungalows) with associated landscape and infrastructure works.

2.2 A Drainage and Utilities Assessment 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. A detailed surface water management plan will be prepared with agreed discharge rates and 50% betterment than current rates

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

2.4 Recommendation - Conditional Approval

2.5 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

3.0 Design Officer

3.1 The application has a well designed layout that responds to the physical requirements of the site. The site sits within an industrial area and is separated by Station Road from other residential areas of Camperdown.

3.2 The result is that the site is fairly self contained but it does connect into the local area as best as possible with pedestrian links and attractive outward looking units.

3.3 There are landscaped boundaries to the north, east and south of the site which is an attractive feature that is being retained. It is proposed to thin the trees as part of the pre-development demolition works. Where there are any gaps then replacement planting should take place to create a strong and continuous landscape buffer.

3.4 The housing has a contemporary design approach which sits well with the context of the site. The proposed external materials for the house types along with boundary treatments and surface treatments are supported. Overall I am supportive of the application.

4.0 Biodiversity Officer

4.1 With regard to the above application, a large area of broadleaved woodland has been removed within this site to accommodate the development, with associated impacts on protected species. This habitat loss and associated impacts should be mitigated for with adequate landscape planting both on and off site as well as the provision of wildlife features such as bird and bat boxes.

4.1 The Extended Phase 1 Habitat Report for this site, undertaken prior to woodland removal, identifies a number of valuable habitats within the site, with the broadleaved woodland being of particular value:-

4.2 Broadleaved Woodland - There was a significant area of broadleaved woodland within the site boundary comprising of Norway maple, cherry, alder, lime and poplar. The extent of this woodland was approximately 0.4ha which is a significant area of habitat. The report notes that the woodland provided suitable nesting habitat for a wide range of bird species as well as low and ground nesting species in areas of shrubs and tall ruderal vegetation. It also states that the woodland provides "*potential for roosting bats as well as providing suitable foraging and commuting habitat for bats, particularly as it provides connectivity with the wider greenspace and woodland*"

4.3 Protected Species - A breeding bird survey was not undertaken but the ecology report notes that the woodland and shrub habitat within the site provides suitable nesting habitat for a wide range of bird species.

4.5 Bats - The report states that the woodland provides potential for roosting bats as well as providing suitable foraging and commuting habitat for bats. An assessment of the trees within the woodland was undertaken by E3 in February 2016 to ascertain their value to support roosting bats. The report concluded that there were no constraints regarding roosting bats, however, agreed with the Phase 1 Ecology survey, that the woodland provides good foraging and commuting habitat for bats.

4.6 The Phase 1 survey report also recommended that a bat transect survey should be carried out to ascertain the importance of this woodland to foraging and commuting bats. Unfortunately, this cannot be undertaken as the trees have now been removed.

4.7 Invertebrates - The site provides good potential for invertebrates, particularly around the ornamental shrubs and tall ruderal vegetation. A number of species (moths, butterflies, damselflies and dragonflies were noted during the survey.

4.8 Hedgehog - The report notes that the site has the potential to support hedgehog and the woodland area provides hibernacula for this species.

4.9 Amphibians and Badger - Although no amphibians or badgers were observed during the survey, the report notes that the woodland habitat provides some limited habitat for sett building as well as hibernation habitat for species such as great crested newt.

4.10 Flora - Two species of orchid, listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), were recorded in the woodland and marshy grassland areas of the site.

4.11 Non-Native Species - The invasive *Cotoneaster* species was recorded on site. This species is listed on Schedule 9 of the Wildlife and Countryside Act (1981) as amended, and needs to be removed from site in an appropriate manner.

4.12 Mitigation - In order to meet the National and Local Planning Policies set out below, it is essential that appropriate mitigation is provided for this scheme

4.13 UDP Policies - E12/7 (adverse impacts on wildlife links) and E14 (protecting and conserving existing trees and landscape features)

4.14 NPPF - Paragraph 109 (minimising impacts on biodiversity and providing net gains in biodiversity where possible) and paragraph 118 (if significant harm resulting from a development cannot be adequately mitigated or compensated for, then planning permission should be refused)

4.15 Woodland Mitigation - The proposed site plan (Drawing No: N522-PP-0001) shows the inclusion of new native hedging, meadow grass and some native tree planting within the site as well as some tree planting outside of the boundary to the south of the site. Whilst this goes some way to providing some mitigation on site, it does not fully mitigate for the loss of woodland habitat on this site. Space is a limiting factor on this site regarding planting, therefore, an offsite contribution will be required to provide the mitigation required to offset the loss of the woodland area. Approximately 200 trees have been lost, therefore a contribution for the planting of 400 trees (whips) off site will be required.

4.16 Protected Species Mitigation - The effects of the loss of the woodland habitat will impact on a number of protected species including breeding birds, bats and hedgehog, which is a UK priority species. It is recommended that bird and bat boxes are provided within the site to help address the above as well as hedgehog boxes or some appropriate hedgehog nesting habitat.

4.17 In addition, orchids were found within the site, which are recommended to be translocated into appropriately landscaped areas of the site (i.e. meadow areas).

4.18 Conclusion - I do not have any objection to the above scheme 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, showing appropriate new native hedge, tree and meadow grassland planting.
- Agreement on an adequate offsite contribution for the creation of woodland (400 trees) on Council land.
- 3 bat boxes and 5 bird boxes to be incorporated into the scheme.
- Provision of suitable hibernacula for hedgehog.
- A Method Statement should be provided for the eradication of Cotoneaster within the site prior to development commencing.
- Translocation of the orchids found on site (if they are still there) into an appropriate landscaped area within the site (e.g. meadow grassland)
- Adequate tree protection measures in place to protect existing and retained trees within and surrounding the development.
- No vegetation removal to take place in the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to development commencing.

4.19 In the UK, *Hyacinthoides non-scripta* (Native Bluebell) is protected under Schedule 8 of the Wildlife and Countryside Act (1981). However, it is protected only under Sections 13 (2a and 2b) which relate to the sale of the plant only. The wording of this protection is set out below and is taken directly from the Act:-

“13. Protection of wild plants

- (2) Subject the provisions of this Part, if any person-
- (a) sells, offers or exposes for sale, or has in possession or transports for the purpose of sale, any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant; or
 - (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things, he shall be guilty of an offence.”

5.0 Landscape Architect

5.1 A large number of trees within the site have recently been felled with only stumps and wood waste left on the site. An AIA has been submitted in accordance with BS5837 which survey the remaining trees to the outside of the site. The trees form three distinct tree groups; one to the north of the site fronting Mylord Crescent, a group of trees to the east of the site fronting Station Road and existing group of trees to the south fronting Killingworth Way– all trees are outside the site boundary, but tree groups to the north and east overhang the site. The trees are not within a Conservation Area nor protected by a Tree Preservation Orders (TPO) but are important in terms of providing amenity not only as a screen, but a valuable habitat for biodiversity.

5.2 Collectively the remaining trees outside the application site are an important feature in the local landscape and provide amenity to the public highways, associated public footpaths and the industrial estate itself. They also

help in the reduction of noise from the adjacent highways. The remaining trees vary in species, age and condition. In addition to the trees already removed, it will be necessary to remove some of the existing trees to facilitate the proposed development and to establish a higher level of arboricultural management for the site. Trees T33 and 4m of hedge 2 and group 6 will need to be removed to facilitate the construction of the associated infrastructure and T8, 9, 20, 26,34,35,41 and Group 'A' should be removed due to structural defects and a limited safe useful life expectancy. The AIA has categorised T33, group 6, hedge 2 (4m) T9, T26 and T41 as 'C' (low value) and T8, T20, T34 and T35 are categorised as 'U' which have little or no value. The loss of further trees is unfortunate but acceptable as part of a management programme to ensure the long term retention and safety of the remaining tree stock.

5.3 The trees to remain to the perimeter of the site are a mixture of medium and low value trees. 2no of the remaining trees have been categorised as 'A' high value trees. The remaining trees are maple, cherry, birch whitebeam lime poplar (in small numbers) and hawthorn (in small numbers), the majority of which are young to semi mature. All have the potential to grow larger in size and the arboricultural impact and method statement plans show the potential future growth pattern of the remaining trees. As it is proposed to construct new properties in close proximity to the retained trees, there is the potential of further loss of trees on the site with pressure to prune or fell to improve light levels to garden areas. As these trees are outside the application site and on Council owned land it will be the Council's responsibility to ensure the long term management of these trees in the future.

5.4 In terms of amenity, the loss of trees on site has affected local amenity with industrial units now visible from Killingworth Way. Eventually, the remaining trees to this southern boundary will grow and with the addition of new tree planting, local amenity will be restored in time. The amenity provided by the trees to the north and eastern boundaries are more vulnerable as pressure will be received to prune or remove trees to alleviate conflict with buildings and allow light to garden areas.

5.5 New standard tree and ornamental shrub planting is proposed within the site which is acceptable. Outside the site boundaries tree groups 3, 4 and 5 to the southern boundary (on NTC land) have been shown to be retained which will be enhanced with new standard tree and shrub planting with new hedge planting shown to the north and eastern boundaries. Unfortunately three easements existing along the southern boundary limits the extent of new planting that can be achieved. However, new planting outside the site boundary where possible is welcome and to complement the landscaping proposals and mitigate for the loss of trees within the site, a contribution of £1,400 is proposed towards a Woodland Management Strategy off site.

6.0 Manager of Housing Strategy

6.1 I support the scheme as it is 100% affordable housing.

7.0 Manager of Environmental Health (Pollution)

7.1 I have reviewed the additional information and accompanying letter.

7.2 The letter suggests a condition should be required for non openable windows and "Buyer Beware" principle applied.

7.3 I consider that the use of living accommodation with non openable windows will not provide a good standard of living. The use of such a condition was used in a quayside city centre development and the noise was limited to day time rather than night time noise

7.4 The changes have considered additional noise mitigation to A1056 and fork lift truck noise with a 2.5 metre fence provided to gardens.

7.5 The noise modelling has been adjusted for the amendments to mitigation measures,
The modelling indicated that there were no changes were made for outside topography.

7.6 A site visit has indicated that Station Road is 0.5 metre higher than the development site and A1056 is approximately 2 metres higher than development. It is unclear if this is considered when viewing the topography within the site. I will require the input data for road height and ground level to ensure that the predicted external noise levels are accurate.

7.7 I note that they have indicated that they have located the primary bedrooms away from the noise associated with the factory noise however this does not address noise to smaller bedrooms.

7.8 North Tyneside do not advocate the use of non openable windows as a means of permitting housing development. If openable there is a likelihood of nuisance complaints. The noise of reversing alarms and car horns from vehicles from industrial activities would not be considered anonymous noise and would be intrusive if compared with the existing background noise level.

7.9 The report indicates that the rated noise impact from industrial noise arising from the operation of fork lift trucks through the night will give a 33dB difference compared with the background.

7.10 This is based on the assumption that over a 15 minute assessment period the fork lift noise will operate for 50 per cent of the time and a character correction of 6 dB has been added for impulsivity and intermittency.

7.11 I would suggest the noise level from fork lift truck noise with maximum noise levels of 88 dB compared with background noise level of 40 dB as shown in figure 6 will create a very distinctive noise so would suggest that the character correction for impulsivity should be 9 dB, as well as the 3dB correction for intermittency. This would give a total 12dB penalty correction for character of noise.

7.12 The consultant has shown that provided windows are permanently closed the internal noise levels caused by industrial noise can meet BS8223 to give a maximum noise level of 41 dB and an equivalent noise level of 28 dB. This does

not meet their proposed upper internal noise limits given in original report of 30 dB minus BS4142 penalty.

7.13 In summary the consultant has indicated that although internal noise conditions may be achieved this may not preclude complaints from residents of the proposed development.

7.14 The consultant has indicated that the bedrooms will require full mechanical ventilation adequate for purge ventilation and acoustic glazing.

7.15 The impact will be reduced internally by the acoustic glazing and ventilation mitigation but will not allow residents to open windows if they wish to enjoy a reasonable amenity. The noise will not be steady noise but impulsive and the character correction given by consultant to address industrial noise internally is too small for the distinctiveness of the noise from fork lift trucks.

7.16 I do not consider it acceptable for the amenity of residential houses to require their windows to be closed to allow sleep and enjoyment of their property. It is an indication that the noise is likely to lead to complaint and if the noise is considered to be causing a statutory nuisance the local authority would be obliged to serve a notice upon the company.

7.17 I consider that the overall elevated noise level related to traffic and industrial noise is not appropriate for housing.

7.18 I would suggest that during the day the overall noise level from road traffic or residual noise is high. The additional noise from industry will cause a greater detrimental effect on the amenity of residents and reduce their tolerance to industrial noise particularly when using their gardens. BS4142 states the magnitude of the overall impact might be greater for an acoustic environment where the residual sound level is high.

7.19 The external and internal noise levels as specified in BS8233 is based on steady noise e.g. traffic and not industrial noise. The noise in some gardens was marginally above the upper limit and will be affected by industrial noise. This will lead to complaint. Statutory nuisance does not take into account who was there first and cannot stipulate to residents that residents must keep windows closed. I would therefore be concerned that this development will lead to an additional burden on existing industries. The NPPF indicates that existing business should not have unreasonable restrictions put on them because of changes in nearby land uses and that new development should be protected against a significant adverse impact. Traffic noise from A1056 was not assessed as location 3 was for industrial noise. Noise modelling has been used to consider road traffic and industrial noise. The garden of unit 7 was affected at facades of units 7 and units 35 and 36 were affected the most.

7.20 The modelling for road traffic from Mylord Crescent and Station Road was carried out taking into account the proposed 1.8 metre acoustic fence. I consider Station Road is slightly elevated to the ground level of the proposed

site. The modelling made assumption that topography was level and would therefore recommend the topography levels should be reassessed and if necessary the heights of the acoustic fencing increased.

7.21 I would suggest that planning permission should not be permitted.

7.22 If minded to approve, I would suggest the following conditions:

Window facades facing toward the industrial estate should not be openable as well as the provision of mechanical ventilation and acoustic glazing.

Prior to occupation, the details of the acoustic glazing and ventilation system must be submitted and agreed to ensure the minimum glazing and ventilation systems as stipulated in table 1 and figure1 of report number 5033.2A are given to meet the upper internal noise levels as set out in table 2 of report 5033.1A for mixed road and industrial noise. This requires mechanical ventilation AD-F system adequate to allow purge ventilation and acoustic glazing of 10-16-9.1 laminated double glazing or glazing of equivalent acoustic performance to be fitted to facade affected by traffic and industrial noise along the western and southern boundaries to include plot1-14 and plots 35 to 40 . The acoustic glazing will be revised to demonstrate the following internal noise levels
-30 dB minus BS4142 penalty at night in bedrooms and L max 45 dB.
-35dB minus BS4142 penalty during the day and
-35 and 40 db minus BS4142 penalty for living room and dining room respectively.

I would suggest that as the internal noise levels were based on assumption of specific size window 2.5 m² that if there are any increases in window area to room the mitigation measures should be resubmitted to ensure the internal noise levels are met.

Prior to occupation, the details of the acoustic glazing and ventilation must be submitted and agreed to ensure the minimum glazing and ventilation systems as stipulated in table 1 and figure1 of report number 5033.2A are given to meet the upper internal noise levels as set out in table 2 of report 5033.1A for road traffic noise from My Lord Crescent and Station Road. The plots 15 to 32 must be provided with acoustic glazing 10-16-9.1 laminated double glazing and AD-F system continuous mechanical extract and a single acoustic trickle vent. The acoustic glazing must demonstrate the following internal noise levels in accordance with BS8233.

-30 dB at night in bedrooms and L max 45 dB.
-35dB during the day and
-35 and 40 dB for living room and dining room respectively.

Prior to occupation, details of the acoustic fencing must be provided to all gardens facing the main roads My Lord Crescent, Station Road and A1056 to a minimum height of 1.8 metres and 2.5 metres as shown in figure 7 of noise report 5033.2 E to ensure a minimum of 55 dB for external noise. An assessment must be submitted to ensure that the topography height between station Road and the gardens facing road are reviewed and any correction made to fence height in garden equates to the 1.8 metre height at road level for station Road and 2.5 metre height for A1056.

8.0 Manager of Environmental Health (Contamination)

8.1 Based on sensitive end use and historic use of land use the following conditions should be attached: Con 01 and GAS06

9.0 Representations

9.1 Ten letters of objection have been received. Two of these objections are from local residents and the remainder are from businesses surrounding the application site.

9.2 Resident objections:

- Why is housing going on an industrial estate?.
- This is a thriving industrial estate.
- Traffic goes in and out of Mylord Crescent all day.
- Parking on the industrial estate is already congested.
- Fenwicks hold a sale every 6/8 weeks which causes parking congestion.
- New residents will drain already limited resources.
- Inadequate parking provision.
- Poor traffic/pedestrian safety.
- No further consideration has been given to the access. It is only accessible from the B1505. Congestion on the A1056. This will worsen soon when road works start on the A1056/A189 roundabout.
- Where will employees park?
- How are residents going to mix with traffic and HGV's?

9.3 Business objections:

- My factory is directly opposite the site and operates 24 hours a day
- We have HGVs leaving throughout the day and night and I am concerned about the level of noise and disturbance this may pose to new residents
- I am concerned that road will not be wide enough to access our fork lift truck business.
- There are no resident restrictions which will make access to our premises even worse
- We are concerned the Transport Statement does not adequately cover congestion with the area. Mylord Crescent is the only access to Camperdown Industrial Estate and traffic builds up.
- Up to 15 car parking spaces which we use will be lost to the development – thereby causing tension between residents and business.
- Greater consideration should be given to improving existing parking.
- Next to the development site is a post box which is used by businesses. A layby here would help as part of the development.
- Road safety measures should be imposed during construction.
- The community consultation was limited and should of included all of Camperdown Industrial Estate.
- My factory is at the entrance of the new development.
- I trust the housing will not affect my trading hours or put any restriction on my business.
- Heavy plant and HGVs are constantly coming and going.
- There would be a danger to young children.
- The streets are congested especially during Fenwick sales.
- Noise concerns have been reviewed but not highway concerns.

- This is an employment location not a housing estate.
- Impact on bluebells.

10.0 External Consultees

10.1 Northumbrian Water

10.2 In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

10.3 An enquiry was received by Northumbrian Water from the applicant for allowable discharge rates and points into the public sewer for the proposed development. I note that whilst this enquiry is referred to in the submitted drainage report, our response to this enquiry has not been submitted with the planning application. I have therefore attached a copy for your information.

10.4 In this document it states that foul flows from the proposed development should discharge to the existing 525 / 600mm diameter foul sewer via the 150mm connection into manhole 8806. This document further states that, should more sustainable options be unfeasible, a restricted surface water discharge of 30l/sec would be permitted to discharge to the existing 300mm diameter surface water sewer and manhole 7804.

10.5 Because the applicant has not submitted a drainage scheme with the application, Northumbrian Water request the following condition:

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

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

11.0 NATS

11.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.