

Item No: 5.4
Application No: 16/00112/FUL Author: Maxine Ingram
Date valid: 26 January 2016 ☎: 0191 643 6322
Target: 22 March 2016 Ward: Weetslade
decision date:

Application type: full planning application

Location: Site Of Former Seaton Burn First School, East View, Wideopen, NEWCASTLE UPON TYNE,

Proposal: Development of 4no. two Bedroom houses and 4no one bedroom flats including 12 parking bays and new adopted access road and turning head (Revised FRA 11.3.16) (Revised FRA, site plan and elevation plan including increase in floor heights of dwellings 24.06.16)

Applicant: Bernicia Group Ltd., Beaminster Way East Kingston Park Newcastle Upon Tyne Tyne And Wear NE3 2ER

Agent: HMM Architects, 26 Enterprise House Team Valley Gateshead Tyne And Wear NE11 0SR

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 This application was presented to Planning Committee on 29 March 2016 and Members determined to approve it subject to the satisfaction of the Environment Agency. The proposed is now being presented to Planning Committee to consider the alterations to the proposed development in order to overcome the Environment Agency's previous objection. The changes to the recommendation report are set out in bold.

2.0 The main issues for this proposal are:

- The principle of the development, including loss of the open space;
- Housing Supply;
- Impact on Surrounding Amenity and amenity of proposed occupiers;
- Design and Layout;
- Car Parking and Access;
- Other Issues;

3.0 Description of the site

3.1 The site to which this application relates is a relatively flat parcel of land measuring approximately 0.28 hectares. The immediate surrounding area is predominantly residential with the noted exception of an existing garage to the east of the site. The site was formerly occupied by Seaton Burn First School until it was closed in 1995 and demolished soon after. The site is currently designated as general open space within the Council's Unitary Development Plan (UDP) (2002) and links to a wider area of open space immediately to the west of the site.

3.2 The site is bound by a watercourse to the north of the site and a public highway, B1318, to the east. Residential properties are located to the north, east and south west of the site. Locally listed building, Nos. 112 and 113 East View, are located immediately to the south of the site.

3.3 A bus stop is located immediately outside the application site.

3.4 The site is located within a wildlife corridor and Newcastle International Airport's flight path. The site lies adjacent to an area of designated Green Belt.

4.0 Description of the Proposal

4.1 Planning permission is sought for eight two storey residential dwellings. The dwellings would comprise of the following:

- 4no. 2 bed houses (77 square metres); and
- 4no. 1 bed flats (ground floor 56 square metres and 65 square metres first floor).

4.2 The footprints of the houses would measure approximately 5.1m x 9.8m. They would incorporate a pitched roof with a ridge height of approximately 7.8m (approximately 5.2m to eaves). The overall footprint of the flats would measure approximately 10.2m x 7.3m. They would incorporate a pitched roof with a ridge height of approximately 7.3m (approximately 5m to eaves).

4.3 The existing stone wall would be retained. Parts of the garden areas associated with Plots 1 and 4 would be enclosed by a 2.5m high brick wall with piers.

4.4 Vehicular access would be gained via the B1318. Twelve car parking spaces, one per dwelling and four visitor parking spaces, would be provided within the site. Pedestrian access to front gardens off the main street would be provided by utilising existing gateways and openings in the retained stone wall.

4.5 An area of soft landscaping is proposed to the most northern part of the site.

4.6 The finished floor levels would be raised by 1.2m above existing ground level. This is an increase in 0.6m to the finished floor levels of the plan that Committee were minded to approve previously.

5.0 Relevant Planning History

95/00935/FUL - Demolish existing buildings erection of a 60 bed nursing home, construction of a new access to a highway, alteration of an existing access to a highway – Withdrawn 06.07.1995

82/02560/LAREG3 - New nursery unit on existing playground at Seaton Burn First School – Permitted 09.02.1983

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 Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP.

6.0 Government Policy

6.1 National Planning Policy Framework published 27 March 2012.

6.2 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 planning application. It requires local planning authorities to apply a presumption in favour of sustainable development.

6.3 National Planning Practice Guidance (NPPG) (As amended).

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues in this case for members to consider are:

- The principle of the development, including loss of the open space;
- Housing Supply;
- Impact on Surrounding Amenity and amenity of proposed occupiers;
- Design and Layout;
- Car Parking and Access;
- Other Issues;

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

8.0 Principle of the Proposed Development

8.1 The NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It identifies 12 core planning principles for Local Authorities that should underpin decision making. One of these is to encourage the effective use of land by reusing land that has been previously developed (brownfield land). However, this is not a prerequisite.

8.2 In relation to housing, NPPF states that the Government's key housing objective is to increase significantly the delivery of new homes. In order to achieve this objective government requires that authorities should identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been persistent under delivery the buffer should be increased to 20 per cent.

8.3 NPPF goes on to say that local planning authorities should plan for a mix of housing based on current and future demographic trends and market trends.

8.4 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

8.5 Policy H5 of the UDP states that proposals for housing development on sites not identified for this purpose will only be approved where all of the following criteria can be met: (i) The proposal is on a previously developed site and is within the built up area; (ii) It is acceptable in terms of its impact on its site, local amenity, the environment, and adjoining land uses; (iii) It can be accommodated within the existing infrastructure; (iv) It does not have an adverse impact on open space provision.

8.6 Policy H11 of the UDP requires that applications for residential development take into account the impact of the proposal on its site, local amenity, the environment and adjoining land uses. It also requires the need for the resulting dwelling to have acceptable external standards of space, light outlook and privacy.

8.7 The site is identified within the Council's Strategic Housing Land Availability Assessment (2015/16) as a potential site being able to deliver housing within the next six-ten years. The Council's Local Plan Pre-Submission Draft 2015, endorsed by Full Council in October 2015, includes this site as a potential site to meet future housing requirements.

8.8 The site is sited adjacent to the Green Belt. However, in accordance with NPPF and local planning policy E20/2 it will not prejudice the openness of the Green Belt to such an extent that would sustain a recommendation of refusal.

8.9 Officers have also taken into account that the development plan is out of date. The North Tyneside Unitary Development Plan was adopted in March 2002, over 14 years ago. The plan period ran until 2006 and we are now significantly (10 years beyond this). Following the advice in paragraph 14 of NPPF it states that where the development plan is out of date the presumption is that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole, or specific policies in the Framework indicate that development should be restricted. Given the development plan is out of date the presumption in favour of sustainable development applies, and therefore the principle of the proposed development should be considered acceptable subject to consideration of the following matters:

8.10 Loss of Open Space

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

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

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

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

8.14 The objections received regarding the loss of open space are noted.

8.15 The applicant has submitted an Open Space Assessment in support of this planning application. The assessment considers the availability of green spaces within the vicinity of the site.

8.16 Under the Green Space Strategy the site would be classified as 'informal green space'. The loss of the application as 'informal green space' should be considered against policies R2/1 and R2/2 of the UDP. The Green Space Strategy (Objective 7) and the Local Plan Draft Consultation expects that all properties should be within 300m of at least 0.1ha of accessible, free and usable open space. The current Borough average is 97.9% of properties are within the acceptable catchment of accessible, free and usable green space.

8.17 The site is designated as open space, used for informal recreation. Officers have given weight to the level of open space that would remain immediately to the west of the application site. The scale of the development would not in itself create high levels of demand on allotments, existing playing pitches or create the need for additional facilities. It is therefore considered that the redevelopment of this site would not result in a significant reduction in the amount of informal open space for the locality.

8.18 It is officer opinion that the proposed development will not result in an insufficient provision of open space of this type in the ward or result in a significant loss of local amenity.

8.19 Members must determine whether or not the principle of residential development on this site is acceptable. The proposed development site is positioned within an existing urban area, located in an area that lies within close proximity to local amenities and local bus services. Officer advice is that the principle of residential development and the loss of informal open space on the site is acceptable, particularly given its proximity to a larger area of informal open space. 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 Work is still ongoing to establish an adopted housing target for the borough. Latest evidence indicates a minimum potential five year housing land supply target between 2014/15 and 2018/19, including a 5% buffer, of 5,619 new homes.

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

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

9.4 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.

9.5 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.

9.6 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.

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

10.0 Impact on Surrounding Amenity and amenity of proposed occupiers

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

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

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

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

10.5 The objections received regarding the impact on residential amenity are noted.

10.6 The Manager for Environmental Health has been consulted. She has advised that the submitted noise report has considered potential noise sources including, the adjacent access road, the car repair workshop to the east of the site and the Newcastle International Airport flight path.

10.7 The submitted noise report addresses road traffic noise and noise emanating from the car repair workshop. To address these noise sources mitigation is proposed by using acoustic barriers. The Manager for Environmental Health has confirmed that they agree with the calculation providing for a 3dB penalty for impulsivity originating from the car repair workshop.

10.8 The submitted noise report identified 15 aircraft passing overhead during the night time monitoring period, with a span of 79-87 LAfMAx/dB. The report indicates that it will not be possible to meet the required noise levels if the windows remain openable. To address this it is recommended that a ventilation system is installed. The Manager for Environmental Health has advised that the use of a ventilation system is acceptable in this instance.

10.9 Newcastle International Airport (NIA) has been consulted. They have advised that the suggested conditions set forward by the Manager for Environmental Health to address noise are acceptable.

10.10 The proposed development would require the finished floor levels to be 1.2m above existing ground level. The applicant has advised that this would be achieved by importing material to achieve this. This would be an increase in 0.6m above the previously accepted finished floor levels.

10.11 Plot 4 would be located to the north of Nos. 112 and 113 East View. A separation distance of 15m would remain exist between the existing and proposed dwelling. This separation distance complies with DCPS No. 14.

10.12 Plots 5, 6 and 7 would be located to the north of the gardens associated with Nos. 112 and 113 East View. It is noted that these properties would afford views over the rear gardens, particularly from the first floor windows. However, this impact is considered acceptable and would not result in a significant on privacy to such an extent that would sustain a recommendation of refusal.

10.13 The proposed development would be sited over 39m from the residential properties located to the east of the site.

10.14 A separation distance of approximately 18.5m would remain between Plots 3 and 4 and 7 and 8. Albeit, this separation distance does not comply with DCPS No. 14 it is considered acceptable in this instance.

10.15 Members need to determine whether the proposal would have a detrimental impact on the amenity of existing properties and future occupants. It is officer advice that the layout of the proposed development is acceptable in terms of impact on outlook, privacy and light for both existing and future occupants. **The increase in levels would still result in an acceptable layout in terms of privacy distances.** Members need to consider this when making their decision.

11.0 Design and Layout

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

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

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

11.4 DCPS No.6 'Landscape and Environmental Improvements' states that the proximity of existing trees to the proposed development, and the effect of these trees on the amenity of future occupiers must be taken into account.

11.5 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.

11.6 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.

11.7 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."

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

11.9 The objections received regarding the visual impact and loss of views are noted.

11.10 New developments should be well designed and should not be viewed in isolation. The application site is located within a predominantly residential area of Seaton Burn. It is noted that a commercial unit is located to the east of the site beyond the adjacent public highway. Within the immediate vicinity there are a variety of property types. It is not considered that the introduction of new residential dwellings in this location would result in significant visual intrusion or significantly affect the outlook from existing dwellings to such an extent that would sustain a recommendation of refusal.

11.11 The proposed development comprises of eight residential dwellings. The units will comprise of 4no. houses sited along the east boundary and 4no. flats sited in the south west corner of the site. The units are two storeys which reflect

the characteristics of residential properties located to the north of the site. The dwellings sited along the eastern boundary maintain the building line of the locally listed buildings located to the south of the site.

11.12 The house types have a contemporary approach to their elevation treatment and they have been designed with a consistent palette of materials. All properties have been designed to have their own areas of private amenity space. The garden areas to Plots 1 and 4 are partially enclosed by a 2.5m high brick wall which is needed to assist in mitigating against road traffic noise. It is not considered that the height of these walls would significantly detract from the visual amenity of the immediate surrounding area. Furthermore, the proposed landscaping and the set back from the adjacent highway would further assist in reducing this visual impact.

11.13 Car parking is provided to the west of Plots 1 and 2 and to the north of Plots 7 and 8. Visitor parking is provided in the northern part of the site. These areas of parking would be softened by landscaping and appropriate surface treatments to ensure that cars do not dominate the street scene.

11.14 The Council's Landscape Architect has been consulted. He has advised that there is little landscaping worth retaining on site, with the exception of an existing semi mature tree. This tree is worthy of retention as the tree cover level in the immediate area is sparse. The applicant has identified an area of proposed landscaping. The Landscape Architect has advised that the frontage areas of the development would benefit from a larger number of trees than those provided to reinforce the bio-diversity and character of the proposed development.

11.15 UDP Policy LE17/5 states that the LPA will maintain a schedule of other buildings of local architectural or historic interest. It will seek to give protection to buildings in this schedule and where appropriate will recommend them for inclusion on the statutory list.

11.16 Nos. 112 and 113 East View are included on the Council's local list of buildings of local architectural or historic interest. The description states: "These buildings are on the 2nd ed. OS map. These are impressive buildings for the area and stand alone as buildings of this age and style in the area. They are situated on the former site of Seaton Burn School and are said to have been the Headmaster's and Caretaker's homes. The school was built by Amos Gray in 1877 and it can therefore be assumed that these buildings are of similar age. The school was demolished in 1995 but these buildings remained. Number 112 has seen some inappropriate extension and alteration but has been included due to the value of the pair of buildings."

11.17 It is not considered that this proposed development, **including the increased land levels**, would detract from either the local or historic interest of these buildings.

11.18 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.

12.0 Car Parking and Access

12.1 The NPPF states that Transport policies have an important role to play in facilitating sustainable development and also in contributing to wider sustainability and health objectives. The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

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

12.3 UDP Policy T8 seeks to encourage cycling by 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 Development Control Policy Statement (DCPS) 4 'Car and Cycle Parking Standards' has been devised to minimise the impact on the private car by encouraging the greater use of public transport and cycling. This will be achieved by, amongst other matters, adopting a reduced requirement for car parking.

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

12.8 The objections received regarding highway safety and traffic congestion are noted.

12.9 Vehicular access to the proposed dwellings would be gained from a new adopted road off the B1318. A total of 12 car parking spaces are provided within

the site. Eight car parking spaces have been provided for future occupants and four visitor parking spaces have been provided.

12.10 A bus stop is located immediately outside the application with local bus services to Cramlington, Newcastle, Four Lane Ends and Kingston Park.

12.11 The Highways Network Manager has been consulted. He had advised that the site layout has been designed to accommodate a refuse wagon. The level of parking provision accords with the Council's maximum parking standards. A shed has also been provided for each dwelling to be used for additional storage.

12.12 Subject to conditions the Highways Network Manager has recommended condition approval.

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 have an acceptable impact on highway safety and the local road network.

13.0 Other Issues

13.1 Contamination

13.2 NPPF states that the planning system should contribute to remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate.

13.3 UDP Policy E3 states that the LPA will seek to minimise the impact of pollution on the environment including existing land uses and on proposed development.

13.4 The Contaminated Land Officer has been consulted. She has recommended conditional approval.

13.5 The site is located within a Coal Referral Area. The Coal Authority has been consulted. They have raised no objections.

13.6 Archaeology

13.7 NPPF states that heritage assets are an irreplaceable resource and therefore should be considered in a manner appropriate to its significance.

13.8 UDP Policy E19/6 states "Where an assessment and evaluation have established that 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

to be submitted and agreed with the Local Planning Authority before the start of the development”.

13.9 The Tyne and Wear Archaeology Officer has been consulted. She has advised that no archaeological work is required.

13.10 Flooding

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

13.12 Part of the application is sited located within Flood Zone 2 and 3. The applicant has submitted a **revised Flood Risk Assessment (FRA) and a Flood Evacuation Plan. The Drainage Strategy, included within the FRA, shows the revised finished floor levels. The revised proposed site plan shows the revised boundaries and paths and the 3D elevations show the revised finished floor levels and street elevations.**

13.13 The online Environment Agency (EA) maps show an area of the proposed development to be within Flood Zone 3a. It is proposed that the only development within this area will be the access road and car parking, with the proposed residential units located to the south of the site in an area shown to be Flood Zone 1. To accommodate the lack of historical data and to make allowance for the effects of climate change, the proposed finished floor levels for the properties will be set at 49.750m AOD. As part of the development it is proposed to construct a brick pier and railing fence to the west boundary and construct permeable paved private parking bays on site. Therefore, the proposed development will not increase the volume of flooding.

13.14 The Environment Agency (EA) has been consulted. They have withdrawn their previous objection.

13.15 Northumbrian Water Limited has been consulted. They have recommended conditional approval.

13.16 The Lead Local Flood Authority (LLFA) has been consulted. **They have advised there are no objections in principle to the revised plans subject to the previous condition requested by the LLFA being retained.**

13.17 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is officer advice, that subject to the

imposition of the suggested conditions, the impact on flood risk is acceptable.

13.18 Impact on biodiversity

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.

13.19 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.

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

13.21 UDP Policy E12/6 states 'Development which would adversely affect the contribution to biodiversity of a wildlife corridor identified on the proposals map will not be permitted unless: no alternative site is reasonably available; or appropriate measures of mitigation of, or compensation for, all the adverse affects are secured where appropriate through planning conditions or obligations. In all cases any adverse effects of development shall be minimised. In addition the positive effect of a proposed development on the contribution to biodiversity of a wildlife corridor will be taken into account in determining applications.

13.22 A Preliminary Ecological Appraisal has been submitted. This report advised that habitats within the site are limited to amenity grassland, with small areas of tall ruderal species and an area of hard standing which is degrading. The site itself provides limited foraging and breeding opportunities. Therefore, the site is assessed as being of greater than low ecological value in the context of the surrounding area.

13.23 The Council's Ecologist has been consulted. She has recommended conditional approval.

13.24 Members need to determine whether the proposal will have an acceptable impact on the biodiversity of the site. It is officer advice that the development would have an acceptable impact on biodiversity.

14.0 Conclusion

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

14.2 Members need to weigh the benefits of the proposal against the impacts and determine whether or not to grant planning permission.

14.3 It is officer advice, that subject to the imposition of appropriate conditions that the proposed development would be acceptable and would accord with relevant national and local planning policy and would therefore be acceptable.

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 footpath surrounding the site
- Associated drainage
- Associated street lighting

Conditions/Reasons

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

- Application form.
- Ordnance Survey plan (Scale 1:1250).
- Proposed site plan (Scale 1:200) Revision J.
- Proposed plans and elevations SK.103 (Scale 1:100)
- Proposed plans and elevations SK. 104 (Scale 1:100)
- 3D elevations SK. 102 Revision G.
- Swept path analysis.

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. Notwithstanding Condition 1, prior to the construction of any dwelling above ground level a schedule and/or samples of all surfacing materials and finishes 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.

4. Notwithstanding Condition 1, prior to the commencement of construction works on the site a plan 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.

5. Notwithstanding Condition 1, prior to the occupation of any dwelling details of all screen and boundary walls, fences and any other means of enclosure within that development shall be submitted to and approved in writing by the Local Planning Authority. The acoustic barriers shall comply with the positions and construction details set out in Table 2 and Figure 1 of the submitted Noise Report. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. These agreed boundary treatments shall be retained hereafter.

Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

6. 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.

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

8. Turning Areas Before Occ ACC25 *refuse
*H11

9. Notwithstanding Condition 1, no development shall commence until a detailed scheme for the disposal of surface water from the highway, footpaths and other hard surfaces 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: These details are required from the outset to ensure satisfactory means of surface water drainage can be accommodated within the site having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

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

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.

11. Notwithstanding Condition 1, 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.

12. Notwithstanding Condition 1, 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, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include an site plan illustrating the location of facilities and any alternative locations during all stages of development and must be in accordance with a tree protection method statement, if required. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

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

13. Notwithstanding Condition 1, development shall not commence until a detailed surface water management scheme for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: This information is required from the outset to prevent the increased risk of flooding from any sources in accordance with the NPPF.

14. Gas Investigate no Development GAS06 *

15. The development hereby approved shall not be constructed above damp proof course level until a noise scheme, in accordance with the submitted noise report, has been submitted to and approved in writing by the Local Planning Authority. The noise scheme shall provide details of the acoustic specification of the window glazing to be provided to habitable rooms, to ensure bedrooms meet the good internal standard of 30dB LAeq T at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB LAeq T in accordance with the BS 8233:2014, where possible. Thereafter, the agreed noise scheme shall be fully implemented prior to occupation of any dwelling and permanently retained.

Reason: To protect the future occupants from noise and disturbance having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

16. The development hereby approved shall not be constructed above damp proof course level until a ventilation scheme for habitable rooms has been submitted to and approved in writing by the Local Planning Authority. The

ventilation scheme must ensure that it meets as a minimum System 3 of Table 5.2c of Approved Document F with additional provision for individual ventilation systems in the bedrooms. Thereafter, the agreed ventilation scheme shall be fully implemented prior to occupation of any dwelling and permanently retained.

Reason: To protect the future occupants from noise and disturbance having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

17. Restrict Hours No Construction Sun BH HOU04 *

18. No vegetation removal shall take place within the bird nesting season (March-August inclusive) unless a suitably qualified ecologist has confirmed there are no nesting birds.

Reason: This is required from the outset in the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

19. Notwithstanding Condition 1, prior to the occupation of any dwelling a fully detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These landscaping details shall include a range of native trees, including fruit trees, and plants of value to wildlife species such as bats and invertebrates. Species which provide a food supply in the form of nuts, fruits and berries should not be used in quantities greater than 10%. Thereafter, the development shall only be carried out in accordance with these agreed details. The agreed landscaping shall be planted in accordance with these details within the first planting and seeding seasons following the commencement of development. 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.

20. Prior to installation of any external lighting to the dwellings hereby approved, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

-the height of installation and the lumen levels.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

21. Prior to the commencement of any development a detailed Method Statement for the removal of the Wall Cotoneaster shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the removal of the Wall Cotoneaster shall only be carried out in accordance with these agreed details.

Reason: This is required from the outset in the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

22. The development hereby approved shall not be constructed above damp proof course until a scheme for the details and design of two bat brick/boxes to be incorporated into dwellings have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed bat brick/boxes shall be installed by prior to the occupation of any dwelling and permanently retained.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

23. Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Reason: This is required from the outset in the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

24. The development hereby approved shall be constructed in accordance with the Pollution Prevention and Control Act 1999, according to Environment Agency Pollution Prevention Guidelines, PPG13 and PPG64.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

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

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

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

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality

having regard to policy of the North Tyneside Unitary Development Plan 2002 and aerodrome safeguarding having regard to NPPF.

27. 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:

- Upgrade of footpath surrounding the site
- Associated drainage
- Associated street lighting

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.

28. Notwithstanding Condition 1, The development permitted by this application shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Revision B, Portland Consulting Engineers, June 2016) and the following mitigation measures detailed within the FRA:

-Finished floor levels shall be set no lower than 49.750m above Ordnance Datum (AOD).

-The boundary fencing on the western perimeters of the site shall be of metal railings as detailed in Appendix C of the FRA.

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

Reason: To reduce flood risk in accordance with NPPF.

29. The development hereby permitted shall not be commenced until such time as a scheme to allow the safe evacuation of residents in advance of flooding has been submitted to, and approved in writing, by the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce floor risk to residents and users of the development in accordance with NPPF.

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

Northumbrian Water informs 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. Northumbrian Water 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.

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

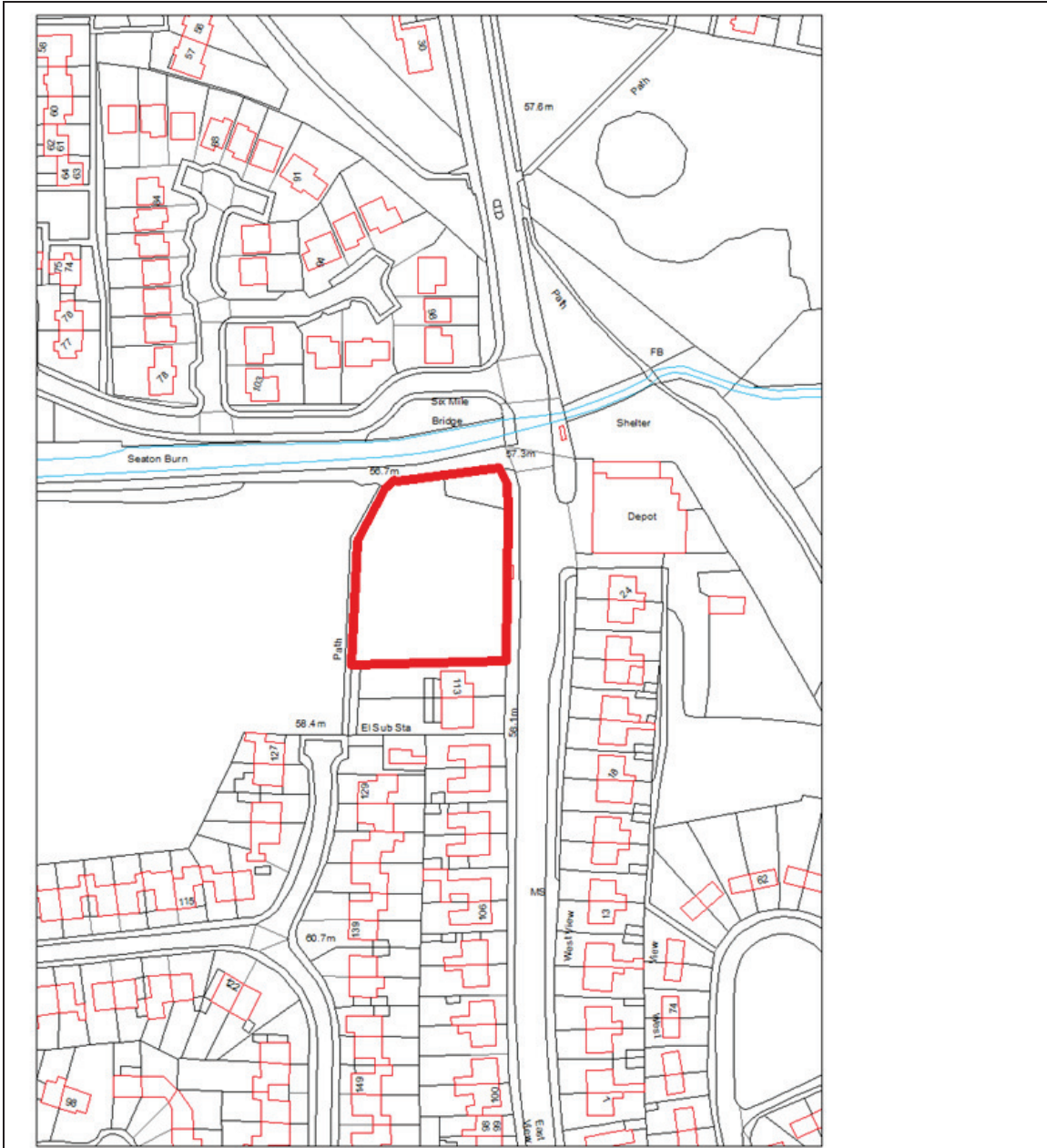
No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)



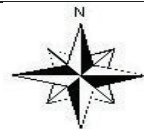
Application reference: 16/00112/FUL

**Location: Site Of Former Seaton Burn First School, East View, Wideopen
 Proposal: Development of 4no. two Bedroom houses and 4no one bedroom flats including 12 parking bays and new adopted access road and turning head (Revised FRA 11.3.16) (Revised FRA, site plan and elevation plan including increase in floor heights of dwellings 24.06.16)**

Not to scale

Date: 21.07.2016

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Appendix 1 – 16/00112/FUL

Item 4

Consultations/representations

1.0 Ward Councillors

1.1 Councillor Green has requested that this application be presented to Planning Committee.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 Vehicular access to the proposed dwellings will be gained from a new adopted road off the B1318. The layout has been designed to accommodate a refuse wagon and parking is in accordance with the maximum standards as set out in LDD12. The applicant has also provided a shed at each property for storage. The site has bus stops adjacent the proposed entrance with connections to Cramlington, Newcastle, Four Lane Ends and Kingston Park.

2.3 The applicant has also produced a Flood Risk Assessment as part of this application and has designed the houses based on this report.

2.4 Based on the above information and on balance conditional approval is recommended.

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

Upgrade of footpath surrounding the site

Any associated street lighting

Any associated drainage

2.6 Conditions:

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

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

ACC25 - Turning Areas: Before Occ

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

PAR04 - Veh: Parking, Garaging before Occ

REF02 - Refuse Bins: Details, Provide Before Occ

SIT01 - Building Site: Compound/Storage

SIT02 - Building Site: Construction Access

SIT03 - Dust suppression during construction

SIT04 - Lorry routing during construction

No development shall commence until a 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.

2.7 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming and Numbering

I46 - Highway Inspection before dvlpt

2.8 Manager for Environmental Health

2.9 The proposal concerns the development of a relatively small piece of land on the site of the former Seaton Burn First School. Adjacent to the site is the main access road, a car repair workshop, and overhead is one of the flight paths into Newcastle International Airport all of which have been considered by the noise report.

2.10 The noise report addresses road traffic noise and noise emanating from the car repair workshop, and suggests mitigation by acoustic barriers. I agree with the calculation providing for a 3dB penalty for impulsivity originating from the car repair workshop.

2.11 The noise report shows 15 aircraft passing overhead during the night time monitoring period, with a span of 79 - 87 LAFMAX /dB. The report indicates that it will not be possible to meet the required noise levels if the windows remain openable. As such the authors suggest implementing the AD - F system 4 of the Part F of Building Regulations Document F (AD - F). It may be possible that the AD-F system 3 can be applied if each bedroom is also fitted with individual ventilation systems.

2.12 I suggest the following:

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

Prior to development, the ventilation scheme for habitable rooms must be submitted for approval in writing and thereafter implemented to ensure an

appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2c of Approved Document F with additional provision for individual ventilation systems in the bedrooms. .

In order to control road traffic and workshop noise a condition should be applied to ensure that the acoustic barriers comply with the positions and construction details set out in Table 2 and Figure 1 of the noise report.

2.13 Ecology Officer

2.14 The following conditions will need to be attached to the application:-

-Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests immediately prior to removal.

-A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing. Landscaping will be designed to provide a range of native trees and plants of value to wildlife species such as bats and invertebrates.

-Two native fruit trees of local provenance per proposed property will be planted within each landholding. Details to be submitted as part of the detailed landscape plan.

-External lighting that may reduce bat use of the surrounding areas will be avoided. High intensity security lights will be avoided as far as practical and will be low level (2m) and low lumen. Where security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.

-Removal of the Wall Cotoneaster, a plant classified under Schedule 9 of the Wildlife and Countryside Act 1981, must be removed to a detailed Method Statement. The Method Statement must be submitted to the Local Authority for approval prior to development commencing.

-2 bat bricks/boxes to be incorporated into dwellings within the scheme. Details of bat brick/box design and location to be submitted to the Local Authority for approval prior to development commencing.

-Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

-Strict control on the use of polluting chemicals within the site to comply with the Pollution prevention and Control Act 1999, according to Environment Agency Pollution Prevention Guidelines, PPG 13 and PPG 64.

-If the single tree on the site is to be retained, it will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012.

2.15 Contaminated Land Officer

2.16 An email from HMM Architects to the planner on 05/02/2016 states:

"Our Engineer has now confirmed that Option 2 will be the strategy implemented. They have advised that as levels on site will be lifted anyway, a 600mm clean cover with a mechanical break to soft landscaping areas will be introduced."

2.17 I require the submission of the finished levels that the site will be lifted to before I can fully assess the suitability of the proposed remediation Option 2.

2.18 The gas monitoring was carried out on two monitoring wells: MBH1 and MBH4. It is noted that MBH4 was flooded and therefore no viable results were obtained. And on two monitoring visits MBH1 had a negligible response zone. The information supplied is insufficient to make an informed decision about the gas regime the following should be attached:

2.19 GAS 06:

The development hereby permitted shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

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

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy E3; of the North Tyneside Unitary Development Plan 2002.

2.20 Landscape Architect

2.21 The proposed development site is currently a vacant compartment (0.28 hectares) of land on a prominent corner location, on the junction West of the B1318 in Seaton Burn. The site occupies land of the former Seaton Burn First School, which was closed in 1995 and demolished soon after and links visually to the associated school playing fields to the West. The site is currently open access (managed) amenity grassland, with a small overgrown concrete hardstand in the northeast corner. The area is contained by a stone wall, incorporating piers and sections of railings and a number of open access points.

2.13 There are few landscape elements to the site with a semi-mature tree (Malus) in the northeast corner of the site along with a number of self-seeded

shrubs and scrub areas in and around the site boundary. The site is overlooked by a Garage to the East along with a series bungalows and a 2 storey stone dwelling standing within its own grounds to the South.

2.14 Landscape Comments (Trees and Landscape Design)

There is little (soft landscape) worth retaining on site apart from the existing semi-mature (T1) tree mentioned in the submitted Tree Constraints Assessment document. The tree is worthy of retention as the tree cover level in the immediate area is very sparse and care taken to protect the tree if the surrounding (concrete) infrastructure is removed. The Design and Access Statement and Proposed Site Plan show the locations of a number of new trees but further information regarding size, species type and method of staking/fixing should also be submitted.

2.15 The site is designated as a wildlife corridor as defined under the UDP. The frontage areas of the development would benefit from a larger number of trees than those provided to reinforce the bio-diversity and character of the proposed development.

2.16 Please also submit details and metalwork sizes (dimensions), paint finish for the proposed coatings and components for the fencing.

2.17 The Contractors site access and set up area are to be submitted for approval prior to commencement of any proposed works, in conjunction with the tree protection method statement, if required. No site storage or parking of (plant) vehicles to be located within the root protection area of any tree in the area or adjacent to the boundary of the park.

2.18 No utilities or drainage should be located within the root protection areas of the trees. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

2.19 All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs.

2.20 Lead Local Flood Authority

2.21 This application is for a development of four two-bedroom houses and four one bedroom flats including 12 parking bays & new adopted access road and turning head. A revised Flood Risk Assessment, site plan and elevation plan has been submitted following comments for the Environment Agency which includes an increase in floor heights of dwellings. There are no objections in principle to the revised plans subject to the previous condition requested by the LLFA being retained.

3.0 Representations

3.1 15 letters of objection have been received. The objections are summarised below:

- Objections will be listened to.
- Informed by the planning office that this is Green Belt.
- Area of natural beauty not a derelict piece of overgrown wasteland.
- Oppose any development.
- The land is used 365 days a year.
- Site has a burn running through it. It is a haven for wildlife. The Council have refused to cut parts of the grass as it has to be kept a certain length for wildlife.
- Site used by cyclists, walkers, horse riders, dog walkers, children and families, bird watchers.
- Site is beneficial to the community.
- Shocks us to think that the Government is telling everyone in the country to exercise more. Yet facilities are closing down and land such as this is being developed.
- Loss of this site will have a negative impact on this community's health and well being.
- Birdlife is fantastic, including swans.
- Surrounding area is already built up.
- Hazard to school children, parents with prams and an increase in traffic accidents.
- Traffic congestion and dangerous for pedestrians.
- Amount of cars on the Burnbridge estate has trebled in the last few years.
- This area has very little else going for it. Seaton Burn has few leisure amenities and few local shops. We have to travel to existing facilities.
- Vitaly important that the amount of leisure we do have left is kept.
- I am sure the developer could find more appropriate sites
- Developers are only after making a profit.
- Adverse effect on wildlife.
- Impact on landscape.
- Loss of visual amenity.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Precedent will be set.
- Traffic congestion.
- Visual intrusion.
- Inadequate drainage.
- Loss of residential amenity.
- Extend beyond original boundary of Seaton Burn First School.
- Take away one of the few accessible green spaces, no everyone can manage the gradient of the Weetslade Country Park.
- A new road will have to be built for access. This could easily affect the burn which feeds into the Big Waters Conservation Area.

- Houses are for resettlement purposes which usually means offenders of other less desirable people.
- Wideopen has very little crime so do not encourage it.
- Five Mile Park expanded, this site will also expand.
- I note that Councillors tend not to build on their patch – Whitley Bay for instance.
- Impact on landscape.
- Public open space that is well used.
- Many dwellings for sale in close proximity to the site. No need for further properties.
- No need for small units.
- Number of care homes with assisted living options in the area.
- Three primary schools in the area, this is a valuable space to use.
- Not in line with other properties in the area.
- Affect appearance of the area.
- Reduced wildlife.
- Additional noise to the nearest houses.
- Extra pressure on poor bus services.
- Other developers will want to build on the remaining land behind.
- Site is susceptible to flooding.
- Green space needed to separate Seaton Burn and Wideopen.
- Should be an area for use by the community.
- Impact on conservation area.
- Loss of/damage to trees.
- Pollution of watercourse.
- Many species of protected and endangered wildlife in this area.
- Used for low income families, not happy with this.
- Bring the standard of the area down.
- Consultation event has misguided residents.
- Within Green Belt, no special circumstance.
- Affect Site of Special Scientific Interest.
- Inappropriate in special landscape area.
- Nuisance: disturbance, dust, dirt, fumes and noise.
- Site only 250m from Little Waters Nature Reserve.
- Burn will become polluted.
- Endangered species: swans, blue tits, great tits, coal tits, greenfinch, goldfinch, chaffinch, heron, starling, bullfinch, coots, greater spotted woodpecker, little owls, otters, bats, roe deer, hedgehog, great crested newts, butterflies, bees. We have photographic evidence.

3.2 A petition with 137 signatures objecting to the proposed development has been received. The objections are set out below:

- Highway safety, high volume of traffic already using the main road. Due to problems on the A19 and A1 this main road is frequently used as cut through.

- Over development of residential housing already in this area and the volume of more proposed, would make this area very densely populated.
- Visual impact.
- This development will join Seaton Burn and Wideopen together.
- Impact on the environment e.g. wildlife, sociability, recreation, dog walking, horse riding and a very pleasant area for families to spend time together.
- Design is out of character, this development will be sandwiched between bungalows and detached houses.
- Added noise and disturbance.
- The loss of green area of Seaton Burn First School will have a devastating effect on the residents and families who use this green frequently.
- The loss of the lovely view for a lot of residents, could be detrimental to their well being.

3.3 A further eight letters of objection have been received since the re-consultation on the revised floor levels. The objections are summarised below:

- Impact on wildlife.**
- Impact on landscape.**
- Site is surrounded by green fields and a burn, used by dog walkers and residents.**
- New houses will cause an eyesore and obstruct certain areas of the field.**
- I opposed the original application due to loss of view and privacy.**
- Planning Committee decided to pass the application despite my objections.**
- I have now been informed they wish to heighten the development which will further impose on my privacy.**
- Why would you want to build on a flood plain? This was never mentioned in the first proposal.**
- What assurances can you give me that my property will not flood?**
- This is all about making money, after five years these people can buy their properties and sell them for a profit or rent out. How is that helping people getting a home?**
- I moved here to get away from looking into someone elses house.**
- A lot of people have put letters into Bernicia and signed a petition objecting to this development.**
- The land was designated to be used for education and for local amenities.**
- Out of keeping with surroundings.**
- A precedent will be set.**
- Traffic congestion.**
- Going to end up like Cramlington, a mass of sprawling houses.**
- Pollution of watercourse.**

- Housing will only be provided for single people or couples, creating a small transitory housing development with people who do not invest in the care and upkeep of their surroundings.
- Affect character of conservation area.
- Inappropriate design.
- None compliance with approved policy.
- Visual intrusion.
- Outlandish and scandalous plans rip up an historic natural beauty spot and a sanctuary for many forms of wildlife.
- This area gives countless hours of pleasure to children playing, people taking exercise. It is just about the only place in Seaton Burn where this is possible and safe to do.
- To spoil this near oasis for so many people to build this small number of dwellings when so many people are against this development is crass and unbelievably short sighted.
- This development could be incorporated into a large development.
- Is this a feather in someones cap?
- You were sent a petition with over a 130 local residents objecting to the scheme with no result.

3.4 One letter of support has been received. This representation is summarised below:

- I do not see why this development should be an issue.
- Note the objections regarding wildlife, surrounding natural areas and pollution towards the burn.
- The suggested development is to be built on a field which is seldom used by us. It is only used people walking dogs, whose owners incidentally often leave dog mess for others throwing Frisbees to stand on.
- The field is no good for football or cricket or any other pass time to be honest.
- I cannot remember seeing any family activity on this land for the past 10 years.
- I only really see Council grass cutters there every now and again which helps stop the grass growing.
- Wildlife is protected by the Council within big and little waters and the burn is tremendous thanks to the work of the students of Seaton Burn School and local residents. The burn is healthy because of these actions and efforts.
- I cannot see how this development provided by the developer clearly show a fully contained sewerage system will be installed. It is actually engineered much better than the existing sewerage systems.
- I cannot see how any of the wildlife in the close surrounding area would be directly or indirectly affected in the long term. In the short term that may be a very minute affect to bees unable to pollinate small plants and mice being

removed from nests. The waters should not at all be affected by this development.

-It will create business for local tradesmen.

-It would generate further Council tax.

-It will also provide housing for people who work and not stay a wasteland.

-It will not harm the environment.

-I would like to walk past the area seeing this housing development.

4.0 External Consultees

4.1 Coal Authority

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

4.3 The Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth.

4.4 The planning application is supported by a Geoenvironmental Appraisal, dated October 2015 and prepared by Dunelm Geotechnical and Environmental. This report has been informed by an appropriate range of sources of information including; BGS maps, BGS borehole logs, a Coal Mining Report and the findings of intrusive site investigations.

4.5 The report sets out details of the intrusive site investigations which have been carried out on site and their findings. The report states that 3 boreholes have been drilled on site to depths of 30m and that intact coal was encountered in all three. On the basis of the findings of the intrusive site investigations the report concludes that there is sufficient rock cover to mitigate against surface subsidence and that risk to the development site from past coal mining activity is low.

4.6 The Coal Authority is satisfied with the broad conclusions of the Geoenvironmental Appraisal; informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority does not object to the proposed development.

4.7 Northumbrian Water

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

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

4.10 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment*". In this document it states that foul flows from the proposed development will discharge to the existing 525mm diameter combined sewer at manhole 9405, whilst surface water will discharge to the local watercourse.

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

4.12 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.

4.13 For information only

4.14 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.

4.15 Environment Agency

4.16 Final comments – Having assessed the supporting information I can advise that we are now in a position to withdraw our objection.

4.17 The proposed development will only meet the requirements of the NPPF if the following measures as detailed in the Flood Risk Assessment (FRA) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The development permitted by this application shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Revision B, Portland Consulting Engineers, June 2016) and the following mitigation measures detailed within the FRA:

-Finished floor levels shall be set no lower than 49.750m above Ordnance Datum (AOD).

-The boundary fencing on the western perimeters of the site shall be of metal railings as detailed in Appendix C of the FRA.

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

Reason: To reduce flood risk in accordance with NPPF.

The development hereby permitted shall not be commenced until such time as a scheme to allow the safe evacuation of residents in advance of flooding has been submitted to, and approved in writing, by the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce floor risk to residents and users of the development in accordance with NPPF.

Note to LPA: The applicant/agent has not provided a detailed analysis of potential flood levels on-site taking into account climate change and the risk of blockage to the culvert to the north of the site. In light of this they have chosen to adopt a precautionary approach in the setting of finished floor levels and in the arrangements for safe access and egress.

While there is a large element of uncertainty as regards flood levels on the site, we consider the proposed finished floor levels to be cautious enough to account for these uncertainties. The design of access and egress arrangements is particularly complicated by a lack of predicted inundation levels for the design flood, but assuming there will no dry access an egress, we generally accept a plan for pre-event evacuation as an adequate form of mitigation. There is a residual risk in adopting this approach though as prior warning of flood events cannot be guaranteed and pressure can be put on emergency services if residents require rescue. The latter point is particularly noteworthy in this case because without an assessment of inundation depths it is difficult to evaluate the level of risk that emergency service personnel would be faced with should rescue of trapped residents become necessary.

EA initial comments:

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

The FRA submitted with this application does not comply with requirements and so does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

Take into account the impacts of climate change on the fluvial flood hazard.

Consider the implications of a blockage to the culvert under the B1318.

Consider the impact of flooding at the parking area. Vehicles moved by floodwater can constitute a direct hazard to people and property on and off site and can exacerbate flood risk by blocking/impeding downstream flows.

Consider the flood risk implications of the perimeter fencing at the west of the site.

If the applicants or agents wish to discuss this position with us, they should contact the Sustainable Places team.

4.17 Overcoming our objection

4.18 You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

4.19 Tyne and Wear Archaeology Officer

4.20 The site lies close to two historic features – Six Mile Bridge and 112 and 113 East View, which is on the Local List.

4.21 However no archaeological work is required.

4.13 Newcastle International Airport (NIA)

4.14 NIA has confirmed that they are satisfied with the Manager for Environmental Health's suggested conditions to address noise.

4.15 Initial comments:

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

4.17 Physical development

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

4.19 Noise

4.20 Airports over a certain size are required to produce noise contours which outline anticipated noise impact within the local community. The contours model anticipated noise impact, including proposed growth in traffic numbers and are

the starting point for assessing noise impact in relation to new development. The contours are published both on the airports website within the masterplan, but also to local authorities to be embedded in local plans and distributed to potential developers, where appropriate. The proposed site lies in part within the 60 dB(LAeq) daytime contour with the remainder within the 57 dB(LAeq) contour. For night time it lies within the 51 dB(LAeq) contour on the cusp of 54 dB(LAeq) . The World Health Organisation (WHO) state that a level of 55dB LAeq represents a level whereby the population become seriously annoyed and the UK Government suggest a level of 57 dB(LAeq) is the onset of community annoyance. For night time disturbance WHO have identified a level of 45dB LAmax(fast) in bedrooms.

4.21 I consider that this information is a starting point to ensure that a thorough noise assessment is taken in relation to aviation.

4.22 Having considered the information provided by the developer in relation to noise, NIA notes that the information provided was only over 24 hours, with only arrivals recorded. This considered, despite the small amount of monitoring undertaken there are a number of incidences, particularly during the night where recordings were over 80 dBA, 15 individual events were recorded with a maximum noise level of 87dB LAFmax .

4.23 As standard, for schemes which are likely to be subject to aircraft noise, NIA requests noise monitoring be carried out for one month during the busy summer period between June and September, the optimal months being July and August. This allows a good sample of noise to be collected when the runway is operating in both directions, and measurements can be taken for aircraft both departing and arriving over the site.

4.24 The above outlined, it is imperative that noise is fully considered prior to making an informed determination of this planning application. The onus is on the developer to demonstrate that aircraft noise would not result in any detriment to the residential amenity of the future residents of the development. NIA do not consider that the developer has demonstrated this to a satisfactory degree to date. On this basis NIA would therefore recommend that the application be refused due to the lack of information relating to noise and the likely impact of aircraft noise on the future amenity of residents of the proposed development. Alternatively, should the developer be in a position to provide one continuous month's worth of noise data (June-September) for the site which satisfactorily considers aircraft noise, I would be happy to consider this further.

4.25 Landscaping

4.26 Certain types of landscaping can be bird attracting, providing a habitat/feeding source for birds with the potential to result in an increase in bird

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

4.27 Lighting

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

4.29 Renewable energy sources

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