

**Item No:** 5.5  
**Application No:** 16/00964/FUL Author: Julia Crebbin  
Date valid: 8 June 2016 ☎: 0191 643 6314  
Target decision date: 7 September 2016 Ward: St Marys

Application type: full planning application

**Location: Land South Of, Earsdon Road, Shiremoor, NEWCASTLE UPON TYNE,**

**Proposal: Formation of a drainage earth mound to retain run-off surface water in heavy rainwater flooding events. Associated works comprising of the regrading of an existing ditch and the installation of a piped drainage section through the earth mound connecting into the ditch**

Applicant: North Tyneside Council, FAO Mr Mark Newlands Quadrant East 16 The Silverlink North Cobalt Business Park North Tyneside West Allotment NE27 0BY

Agent: Capita, FAO Mr Daniel Hodgson Quadrant East 16 The Silverlink North Cobalt Business Park North Tyneside West Allotment NE27 0BY

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issue is whether the proposed flood alleviation works are acceptable and the impact that they would have upon the site and the surrounding area having regard to the:

- Principle of development
- Impact on amenity
- Impact on ecology
- Impact on landscaping features
- Impact on highways
- Other matters including impact on ground conditions and archaeology

1.2 Members need to consider the proposed flood alleviation measures are acceptable having regard to the issues above.

#### 2.0 Description of the Site

2.1 The site to which the application relates is a 1.45 hectare area of land located south east of the A186 Earsdon Road in Shiremoor. The application site is part of a larger area of open agricultural land. The developed residential areas of Earsdon, Wellfield and Shiremoor are located to the north, east and south west of

the site respectively. Car boot sales are held on the land immediately adjoining the application to the north east on Sunday mornings. The application site is located within the designated greenbelt, flood zones 2 and 3, a contaminated land buffer zone and a high risk Coal Authority referral area. It is also a site of archaeological interest, and a public right of way crosses the access to the site from the east (alongside Wellfield recreation ground).

### 3.0 Description of the Proposed Development

3.1 The proposal relates to the formation of a drainage earth mound in order to retain run-off surface water in heavy rainwater flooding events. Associated works include the re-grading of an existing ditch and the installation of a piped drainage section through the earth mound connecting into the ditch.

### 4.0 Relevant Planning History

4.1 None

### 5.0 Development Plan

5.1 North Tyneside Council Unitary Development Plan (adopted March 2002)

5.2 Direction from Secretary of State under Paragraph 1(3) of Schedule 8 to Town and Country Planning and Compulsory Purchase Act 2004 in respect of Policies in the North Tyneside UDP (August 2007)

### 6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 National Planning Practice Guidance (As Amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues in this case are

- Principle of development;
- Impact on amenity
- Impact on ecology
- Impact on landscaping features
- Impact on highways
- Other issues including ground conditions and archaeology.

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

### 8.0 Principle of Development

8.1 The NPPF sets out the overarching roles that the planning system ought to play and sets out core land-use planning principles which should underpin both plan-making and decision-taking. These 12 principles are that planning should (amongst other matters) encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for flood risk mitigation).

8.2 The application site is within the Green Belt. One of the 12 core planning principles is to protect the Green Belt. Paragraph 79 of NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

8.3 Paragraph 80 of NPPF states that the Green Belt serves five purposes;

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.4 Paragraph 87 of NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances, and paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, except where amongst other matters, the redevelopment of previously developed sites whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

8.5 Policy E20 states that a Green Belt has been defined, which amongst other matters, maintains the separate character of Earsdon and prevents the merging of the settlements of Whitely Bay with Shiremoor.

8.6 Policy E20/2 states that permission will not be given for any inappropriate development, which would be harmful to the Green Belt or fail to maintain the high environmental standards which are expected in the Green Belt.

8.7 The proposed development involves the installation of a flood plain which will run parallel to the existing ditch within the site (east to west across the site). A small earth mound will be constructed to restrict flows of surface water from the ditch and flood plain. The applicant has advised that the flood plain will remain dry for the majority of the year and will fill during intense period of rainfall. The earth mound will provide an increased level of protection to the residents of Wellfield. The creation of this flood plain and the protection to Wellfield means that extra surface water can be drained into the culvert running through Shiremoor. The flood plain has been designed to store this increase in flow which increases the protection in Shiremoor, whilst also providing the increased protection to Wellfield.

8.8 Given the nature of the proposed works it is considered the proposals would not have an adverse impact on the openness or permanence of the Green Belt. The proposed works would not significantly affect the open nature of the land and would not cause significant visual intrusion. The proposals are considered a benefit to the area and would assist in alleviating flooding issues in the local area. This is in accordance with the objectives of the NPPF and policies E20 and E20/2 of the UDP.

8.9 The Council as Local Lead Flood Authority is fully supportive of the application. The North Tyneside Surface Water and Drainage Partnership have produced a Flood Risk Implementation Plan. This evidence based document was updated in November 2015 and identifies flood risk projects throughout the borough. The application site forms part of these works. The works will be maintained by the Council.

8.8 In the summer of 2012 widespread surface water flooding was experienced following exceptional, high intensity rainfall. It is considered that this scheme, which forms part of a wider strategy, will improve surface water management in this area and reduce the likelihood of flooding to nearby homes and gardens.

8.9 It is the advice of Officers that this scheme is acceptable and complies with the aims of the NPPF and UDP policies E20 and E20/1.

#### 9.0 Impact on Amenity

9.1 Policy H13 of the UDP states that applications for non-residential development within or adjacent to residential areas will be approved only where the Local Planning Authority consider that they would not adversely affect residential amenity. Uses that generate excessive noise, smell fumes, traffic, or on street parking will not be allowed.

9.2 Residential properties are located a significant distance to the north, east and south west of the application site. No representations have been received from any local residents with regard to the proposed works.

9.3 The Manager for Environmental Health has been consulted. She does not object subject to conditions to control the hours of construction and dust suppression measures. Subject to these conditions the impact on residential amenity is considered acceptable.

#### 10.0 Impact on Biodiversity

10.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

10.2 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts on biodiversity and producing net gains to biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

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

10.4 The application site is mainly intensely agricultural land bounded by residential properties. A mature hedge runs alongside the ditch. The Council's Biodiversity Officer has advised that the site has the potential to impact on any species using the ditch and may also result in the loss of vegetation if hedgerows need to be removed to undertake this work.

10.5 The applicant has submitted a Phase 1 Habitat Survey. This concludes that no direct impacts on designated sites are predicted as a result of the proposed drainage works. However, some of the habitats identified as being present within the study area are identified as local BAP habitats or habitats of principal importance under the NERC Act. These include scrub, shrub and hedgerow; arable field margins, and woodland.

10.6 The Council's Biodiversity Officer does not object to the application but advises that the proposed earthworks have the potential to cause some loss of habitat and disturbance to wildlife during construction. As such, she has recommended mitigation measures including otter/water vole/badger checking surveys, protection of the mature native hedge, measures to control the timing of works and re-instatement planting. These mitigation measures can be conditioned.

10.7 It is the advice of Officers that the scheme is acceptable in terms of ecological impact and complies with the aims of the NPPF.

#### 11.0 Impact on Landscaping

11.1 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.

11.2 Policy E14 in the North Tyneside Unitary Development Plan, which 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.

11.3 The application site consists of arable farmland. The majority of trees on the site are located within the hedgerows which divide up the farm land or on the boundaries of the site. A Tree Appraisal and Impact Assessment have been submitted with detailed Tree Protection Measures for these areas.

11.4 The Council's Landscape Architect requested the submission of a Tree and Hedgerow Protection Method Statement detailing the type of protection measures that will be used with regard to the control of adjacent working areas; and a commitment to tree and hedgerow replacement with reference to any pruning back and or removal of existing planted material. He has also requested

a detailed landscape plan, measures and a specification in relation to the making good and/or reinstatement of areas affected by the works such as field systems and adjacent 'Riparian Habitats', and information regarding the reinstatement and appropriate treatment of all access points, PROW's, public footpaths, signage, kerbs and verges that will be affected on site following the completion of the proposed works

11.5 In response the applicant has submitted a Tree Appraisal and Impacts Assessment and a Tree Protection Plan.

11.6 It is considered that, subject to attachment of appropriate conditions to protect existing trees/hedgerows/habitat, the proposed works are acceptable. Officer advice is that the proposal complies with policy E14.

### 12.0 Impact on the Highway

12.1 The National Planning Policy Framework states that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives. The guidance states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

12.2 The proposed construction access is via Earsdon Road at the north western corner of the application site, with the site storage and compound area being located within the western part of the site close to the access.

12.3 The Highways Network Manager has raised no objection to the application subject to a construction method statement being submitted and agreed. The statement will provide a detailed scheme for the routing of construction vehicles, dust suppression including wheel washing and/or road cleaning facilities. He also requires full condition surveys of the construction route to be submitted for approval. This will ensure any damage to the highways (attributed to construction traffic) is repaired and reinstated.

12.4 Furthermore there are definitive 'Public Rights of Way' to the south and east of the site. There is public footpath to the south east, which links to the public rights of way. An informative are recommended to ensure the applicant liaises with the Rights of Way Officer throughout the works.

12.5 It is the advice of Officers that the proposal is acceptable on highway grounds subject to conditions.

### 13.0 Archaeology

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

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

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

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

13.5 The application site is located within a Site of Archaeological Interest. The Tyne and Wear Archaeology Officer has advised that a geophysical survey in 2000 detected two circular features within the site, tentatively identified as possible prehistoric roundhouses, and that there is a probable prehistoric enclosure in the neighbouring field to the north west, which is visible on an aerial photograph dated 1980. As such, although she has raised no objections to the proposed works, she has suggested that conditions are attached to the approval to require further archaeological work in order to investigate and, if necessary, fully record and archaeologically excavate any findings before the proposed flood plain and earth mound can be created.

13.6 It is Officer advice that the proposal is in accordance with NPPF and policy E19/6 of the UDP, subject to conditions.

#### 14.0 Ground conditions

14.1 Paragraph 120 of NPPF states 'To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area of proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or land owner'.

14.2 NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibilities for securing a safe development rests with the developer and/or landowner.

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

14.4 The Coal Authority has been consulted. They have raised no objections subject to an informative being attached to the approval to ensure that the applicant is aware of their responsibilities with respect to previous coal mining activity.

14.5 It is noted that the application site is located within a contaminated land buffer zone, and that material will be both excavated from the site, and soil imported. As such, it is recommended that any excavated material is tested to ensure it is not contaminated and that no cross contamination occurs. An informative is imposed to ensure excavated material is disposed of properly.

#### 15.0 Financial Considerations

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

15.29 Economically there would be benefits in terms of the provision of jobs associated with the proposed flood alleviation works.

#### 16.0 Conclusion

16.1 The proposed works are to alleviate flooding to the benefit of the local community. It will involve the formation of a drainage earth mound, the regrading of the existing ditch and the installation of a piped section through the earth mound connecting into the ditch. The proposal is for engineering works and is not inappropriate on Green Belt land.

16.2 Subject to conditions, it is considered that the development is acceptable in terms of impact amenity, biodiversity, landscaping, archaeology and highways. The proposal accords with the advice in NPPF and relevant UDP policies.

16.3 It is recommended that the application should be granted planning permission subject to conditions.

**RECOMMENDATION:      Application Permitted**

#### **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 27.05.2016
  - Wellfield Proposed Layout, drawing no.MGAP-CAP-WE-GEN-DR-C-7008, Rev.P01, 10.06.2016
  - Wellfield Site Bounday, drawing no.MGAP-CAP-WE-GEN-DR-C-7009, Rev.P\_01, 27.05.2016
  - Wellfield Cross Sections, drawing no.MGAP-CAP-WE-GEN-DR-C-7010, Rev.0, 27.05.2016
  - Wellfield Working Area Drawing, drawing no.MGAP-CAP-WE-GEN-DR-C-7005, Rev.P\_01, 13.06.2016
  - Tree appraisal and impacts assessment, June 2015
  - Tree Protection Plan, drawing no.CS074550-CAP-00-VES-ML-V-0001, Rev.P01.1

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. Construction Method Statement SIT05 \*H13

4. Notwithstanding the details submitted, a programme for maintenance of the propose scheme including details of access arrangements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, this programme of maintenance shall be implemented in accordance with the approved details.

Reason: In the interests of surface water management

5. Restrict Hours No Construction Sun BH HOU04 \*

6. Notwithstanding the plans approved, no development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the re-instatement of planting within the new wetland basin and surrounds to mitigate for the loss of semi-improved grassland, and shall include a specification and planting schedule detailing all species types, sizes, fixing method(s), planting layout and associated protective (plant) fencing and/or measures. Thereafter the development shall be landscaped in accordance with the landscaping scheme agreed.

Reason: In the interests of amenity and ecology and to ensure a satisfactory standard of landscaping in accordance with Policy E14 of the UDP.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and 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 ecology and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

8. Prior to development commencing, details of protective measures for the protection of the mature native hedge adjacent to the north side of the watercourse must be submitted to and approved in writing by the Local Planning Authority. Thereafter the measures must be implemented in accordance with the details.

Reason: In the interests of amenity and ecology and to ensure a satisfactory standard of landscaping in accordance with policies E12/6 and E14 of the UDP.

9. Any pruning works are to be undertaken in accordance with BS 3998 (2010) 'Recommendations for Tree Work.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy E14 of the North Tyneside Council Unitary Development Plan 2002

10. Prior to development commencing, the tree protection measures detailed on the 'Tree Protection Plan' and within the submitted 'Tree Appraisal and Impacts Assessment' must be installed in accordance with the approved details and retained for the duration of the approved works.

Reason: In the interests of amenity and ecology and to ensure a satisfactory standard of landscaping in accordance with Policy E14 of the UDP.

11. Areas suitable for supporting nesting birds shall not be cleared during the bird breeding season (March to August inclusive) unless checking surveys by a suitable qualified ecologist have ascertained that active nests are absent.

Reason: In the interests of ecology and biodiversity in accordance with Policy E12/6 and the NPPF.

12. A badger checking survey must be undertaken and submitted to the Local Authority immediately prior to works commencing to ensure there are no impacts on this species.

Reason: In the interests of ecology and biodiversity in accordance with the NPPF and policy E12/6 of the UDP.

13. An otter/water vole checking survey must be undertaken and submitted to the Local Authority immediately prior to works commencing to ensure there are no impacts on this species.

Reason: In the interests of ecology and biodiversity in accordance with the NPPF and policy E12/6 of the UDP.

14. No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

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

15. The development shall not be brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 14 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and

recorded, in accordance with paragraph 141 of the NPPF and UDP policy E19/6 .

16. The development shall not be brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF and UDP policy E19/6.

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

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

**Informatives**

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

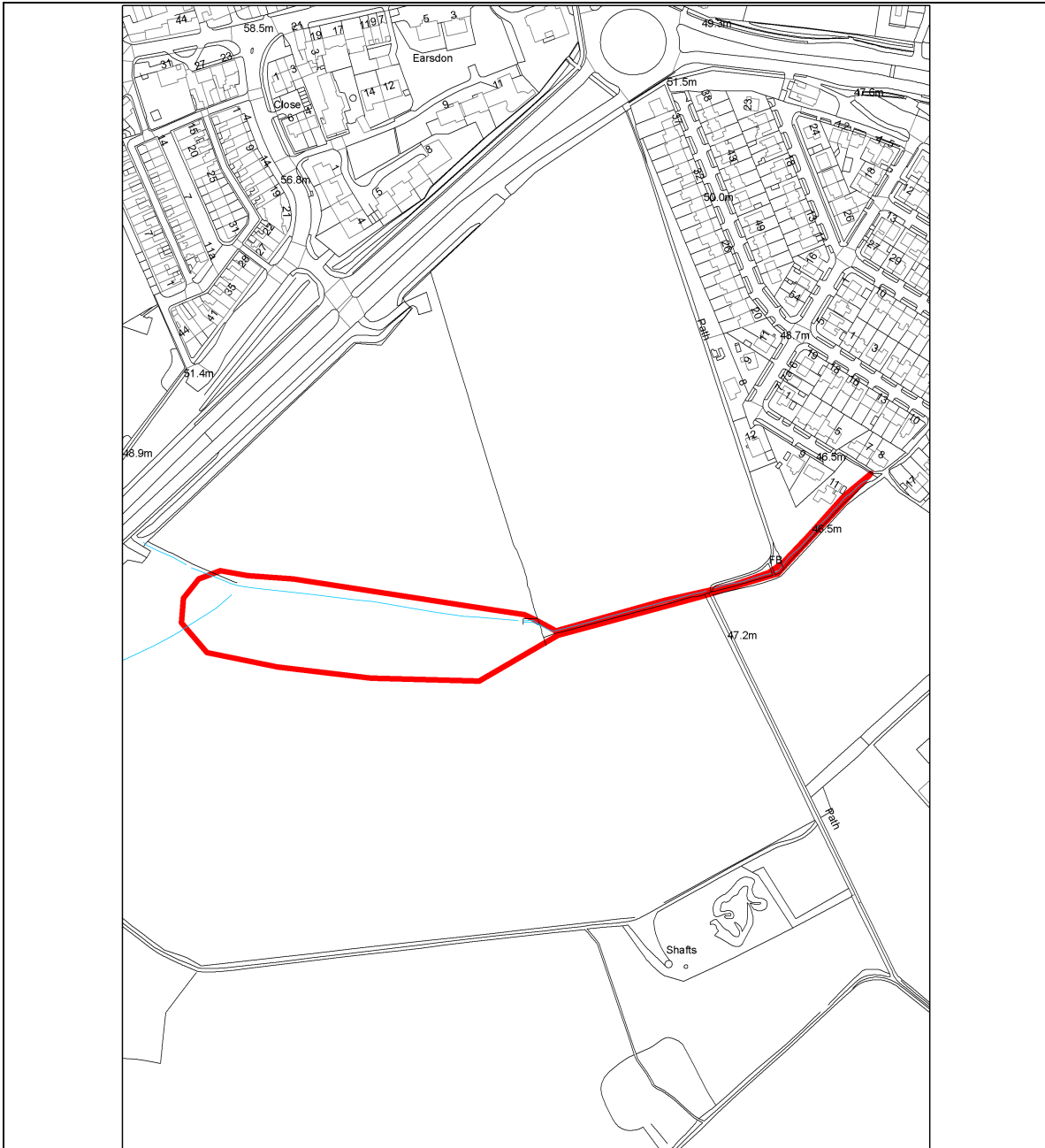
Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)

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

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

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



**Application reference: 16/00964/FUL**

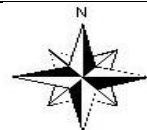
**Location: Land South Of, Earsdon Road, Shiremoor**

**Proposal: Formation of a drainage earth mound to retain run-off surface water in heavy rainwater flooding events. Associated works comprising of the regrading of an existing ditch and the installation of a piped drainage section through the earth mound connecting into the ditch**

Not to scale

Date: 11.08.2016

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## **Appendix 1 – 16/00964/FUL**

### **Item 5**

#### **Consultations/representations**

##### 1.0 Internal Consultees

##### 1.1 Highway Network Manager

1.2 This application is for the formation of a drainage earth mound to retain run-off surface water in heavy rainwater flooding events, associated works comprising of the re-grading of an existing ditch and the installation of a piped drainage section through the earth mound connecting into the ditch.

1.3 A schematic plan has been produced for this area to highlight the main features of the work. The scheme involves the installation of a flood plain running parallel to the existing ditch. This area will remain dry for the majority of the year and will fill during intense periods of rainfall. A small earth mound will be constructed to restrict flows of surface water from the ditch and flood plain, providing an increased level of protection to the residents of Wellfield.

1.4 The creation of this flood plain and the protection to Wellfield means that extra surface water can be drained into the culvert running through Shiremoor. The flood plain has been designed to store this increase in flow which increases the protection in Shiremoor, whilst also providing the increased protection to Wellfield.

1.5 As part of the scheme a maintenance regime will be implemented which ensures the area is inspected on a frequent basis. This will assist in safeguarding against the buildup of debris and make sure that these flood protection features remain operational. The flood plain has an approximate storage volume of 5500m<sup>3</sup>.

1.6 This scheme is a result of co-ordination between North Tyneside Council, Environment Agency, land owners, developers, Northumbrian Water, Nexus and other statutory undertakers. The scheme does not form part of any development that may be carried out within the surrounding fields; however the scheme ensures that surface water flows from the fields are directed, stored and released in an effective manner to ensure a greater level of flood protection to residents.

1.7 The site is accessed via the A186 Earsdon Road and conditional approval is recommended. Recommendation - Conditional Approval

1.8 Condition: SIT05 - Construction Method Statement

1.9 Informatives:

I05 - Contact ERH: Construct Highway Access

I07 - Contact ERH: Footpath/Bridleway X's Site

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dv/pt

1.10 Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to

temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

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

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

#### 1.13 Local Lead Flood Authority

1.14 This application is for the formation of a drainage earth mound to retain run-off surface water in heavy rainwater flooding events, associated works comprising of the re-grading of an existing ditch and the installation of a piped drainage section through the earth mound connecting into the ditch.

1.15 A schematic plan has been produced for this area to highlight the main features of the work. The scheme involves the installation of a flood plain running parallel to the existing ditch. This area will remain dry for the majority of the year and will fill during intense periods of rainfall. A small earth mound will be constructed to restrict flows of surface water from the ditch and flood plain, providing an increased level of protection to the residents of Wellfield.

1.16 The creation of this flood plain and the protection to Wellfield means that extra surface water can be drained into the culvert running through Shiremoor. The flood plain has been designed to store this increase in flow which increases the protection in Shiremoor, whilst also providing the increased protection to Wellfield.

1.17 As part of the scheme a maintenance regime will be implemented which ensures the area is inspected on a frequent basis. This will assist in safeguarding against the buildup of debris and make sure that these flood protection features remain operational. The flood plain has an approximate storage volume of 5500m<sup>3</sup>.

1.18 This scheme is a result of co-ordination between North Tyneside Council, Environment Agency, land owners, developers, Northumbrian Water, Nexus and other statutory undertakers. The scheme does not form part of any development that may be carried out within the surrounding fields; however the scheme ensures that surface water flows from the fields are directed, stored and released in an effective manner to ensure a greater level of flood protection to residents.

1.19 It is considered that this scheme, which forms part of a wider strategy, will improve surface water management in this area and reduce the likelihood of flooding to nearby homes and gardens. For these reasons, conditional approval is recommended. Recommendation - Conditional Approval

1.20 Condition:

Notwithstanding the details submitted, a programme for maintenance of the propose scheme including details of access arrangements shall be submitted to and approved in writing by the Local Planning Authority, thereafter, this programme of maintenance shall be implemented in accordance with the approved details.

Reason: In the interests of surface water management

#### 1.21 Environmental Health (Pollution)

1.22 I have no objection in principle to this development but would recommend conditions to address construction dusts and hours. If plant and equipment such a generators, pumps etc are to be used onsite then I will require a noise scheme to control noise emanating from the site.

1.23 Conditions: HOU04; SIT03; and NOI10.

#### 1.24 Biodiversity Officer

1.25 Without appropriate mitigation, the following impacts will result from this scheme:-

- Loss of an area of semi-improved grassland to create the drainage basin
- Potential impacts to protected species (otter/water vole) from works to the watercourse
- Potential impacts on nesting birds
- Loss of vegetation of value to nesting birds
- Potential impacts on foraging badger

1.26 In order to mitigate these impacts, the following measures would need to be undertaken:-

- Otter/water vole checking survey
- Badger checking survey
- Protection of the mature native hedge adjacent to the north side of the watercourse
- Restricting works to outside of the bird nesting season
- Re-instatement planting works within the new wetland basin and surrounds, to mitigate for the loss of semi-improved grassland

1.27 Therefore, with regard to the above, I have no objections to this application subject to the following conditions being attached to the application:-

#### 1.28 Conditions

- Prior to works commencing, a water vole and otter checking survey should be undertaken on the watercourse and the results submitted to the Local Authority along with an appropriate working method statement if required.
- Prior to works commencing, a badger checking survey should be undertaken within the scheme working area and the results submitted to the Local Authority along with an appropriate working method statement if required.
- No vegetation removal should take place in the bird nesting season (march-august inclusive) unless a survey by a qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing

- The new drainage basin and any other areas of grassland that are impacted as part of this scheme, should be re-instated in an appropriate sowing season with approved grassland mixes e.g germinant seeds RE2 (lowland meadow) and RE3 (floodplain) mixes. Details to be submitted to the LA for approval prior to works commencing.
- The mature native hedge to the north of the watercourse must be retained and protected as part of this scheme.

1.29 Tyne and Wear Archaeology Officer

1.30 Original Comments received 08.07.2016

1.31 How deep will the excavations for the flood plain be?

1.32 A geophysical survey in advance of sewerage works in 2000 detected two circular features within the site, tentatively identified as possible prehistoric roundhouses. This is perfectly possible as there is a probable prehistoric enclosure in the neighbouring field to the north west, which is visible on an aerial photograph dated 1980. An archaeological watching brief in 2001 during the installation of the sewer pipe did not record any prehistoric remains within the easement of the pipe trench.

1.33 Is there a plan which shows the location of the sewer pipe in relation to the proposed working area? It may be that much of the site was disturbed when the sewer was installed.

1.34 I recommend that the proposed working area is carefully stripped of topsoil under strict archaeological supervision using a machine with a toothless bucket. The appointed archaeologist will then inspect the area and hand clean it if necessary, to ascertain if archaeological features are present. This should be done well in advance of development works commencing in case archaeological recording is needed.

1.35 If archaeological features are present, they will need to be fully recorded and archaeologically excavated before the proposed flood plain and earth mound can be created.

1.36 I can provide a specification for the archaeological work when required.

1.37 Archaeological Excavation and Recording Condition:

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

1.38 Archaeological Post Excavation Report Condition:



The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition ( ) has been submitted to and approved in writing by the Local Planning Authority. Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

#### 1.39 Archaeological Publication Report Condition:

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6.

#### 1.40 Final Comments received 03.08.2016

1.41 Thanks for the additional information. The proposed work is adjacent to the sewer which was installed in 2001 but sufficiently distant that archaeological features (the suspected roundhouses) may survive. Also 1.2m is a substantial amount of excavation.

1.42 A watching brief is not the best technique to record ephemeral prehistoric features.

1.43 I stand by my original recommendation that the proposed working area is carefully stripped of topsoil under strict archaeological supervision using a machine with a toothless bucket. The appointed archaeologist will then inspect the area and hand clean it if necessary, to ascertain if archaeological features are present. This should be done well in advance of development works commencing in case archaeological recording is needed.

1.44 If archaeological features are present, they will need to be fully recorded and archaeologically excavated before the proposed flood plain and earth mound can be created.

1.45 Condition referred to in original comments should be attached. I can provide a specification for the archaeological work when required.

#### 1.46 Landscape Architect

#### 1.47 Tree and Hedgerow Protection Measures:

1.48 A Tree and Hedgerow Protection Method Statement (MS) will need to be submitted detailing the type of protection (fencing) measures that will be used with regard to the control of adjacent working areas.

1.49 Condition:

Evaluation of tree constraints and tree protection plan (TPP); an Arboricultural Implications Assessment (AIA) and an Arboricultural Method Statement (AMS) referred to in BS 5837:2012 should be submitted for approval.

1.50 Works Adjacent To Tree and Hedging:

1.51 A commitment to tree and hedgerow replacement works should be made in the (MS), with reference to any pruning back and or removal of existing planted material,

1.52 Condition:

Any pruning works are to be undertaken in accordance with BS 3998 (2010) 'Recommendations for Tree Work. Particular attention is to be given to a replacement tree and hedgerow strategy should also be submitted in relation to the extent of any necessary pruning works and/or removal as a result of the works and how the removal of trees will impact and be mitigated by replacement planting.

1.53 Tree and Hedgerow Replacement Planting:

1.54 As guidance and also in relation to the above NTC has set out guidelines as part of the wider Local Planning Policy North Tyneside Council Unitary Development Plan (March 2002). The strategy for the proposed tree and hedgerow replacement works should acknowledge and address the guidelines as set out below.

1.55 Condition:

Detailed landscape scheme to include 'Specification' and 'Planting Schedule' for the proposed (planting) works, detailing all species types, sizes, fixing method(s), planting layout and associated protective (plant) fencing and/or measures.

1.56 Reinstatement Of Working Areas:

1.57 Measures and a specification in relation to the making good and/or reinstatement of areas affected by the works such as field systems and adjacent 'Riparian Habitats'.

1.58 Condition:

A schedule of works and full specification/maintenance operations (if required) should also be submitted in relation to the successful reinstatement and establishment period for those works.

1.59 Pathways And Access (Via A186):

1.60 The applicant should provide additional information regarding the reinstatement and appropriate treatment of all access points, PROW's, public footpaths, signage, kerbs and verges that will be affected on site following the completion of the proposed works.

1.61 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.

1.62 External Consultees

1.63 The Coal Authority

1.64 No objection, subject to the inclusion of an informative note within the decision notice.