

Item No: 5.1
Application No: 08/03131/OUT Author: Aidan Dobinson Booth
Date valid: 10 November 2008 ☎: 0191 643 6333
Target decision date: 9 February 2009 Ward: Riverside

Application type: outline planning application

Location: Howdon Green Industrial Estate, Norman Terrace, Wallsend, Tyne And Wear,

Proposal: Outline planning application for residential development for 83 dwellings and details of proposed access (Amended Description)

Applicant: Ashtenne Industrial Fund LP, Unit 6 Bankside The Watermark Gateshead NE11 9SY

Agent: Chris McGough, 10 Ambassador Place Stockport Road Altringham WA15 8DB

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Background

1.1 This application was last reported to Planning Committee on 23 August 2016 where it was resolved to grant planning permission subject to a S106 Agreement to secure the provision of;

- a) £29,714 towards open space provision within the vicinity;**
- b) £20,000 towards sustainable transport objectives; and**
- c) the provision of 16 affordable housing units.**

1.2 The committee were minded to approve the application as the principle of residential development on this site was considered to be acceptable in terms of its impact on the character and appearance of the surrounding area, the level of amenity for occupiers, parking and access which were in accordance with the National Planning Policy Framework and the North Tyneside Unitary Development Plan 2002 in particular policies LE1/4, H5, H8, H12, R3/1, E2, T8, DCPS6.

1.3 Further discussions between the applicant and officers have taken place and the applicant states that the development will not be viable with all of the contributions that have been sought and therefore the application has been brought back to Planning Committee for re-consideration.

2.0 Main Issues

2.1 The main issues in this case are:

- Whether the principle of residential development is acceptable on this site;
- The impact of the proposal upon the character and appearance of the surrounding area;
- Whether occupiers of the development would have an acceptable level of amenity;
- Whether sufficient parking and access would be provided; and
- Whether the developer has appropriately dealt with the requirements for supporting infrastructure and the accepted targets for the provision of affordable homes.

2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

3.0 The Site

3.1 The application site is a vacant industrial estate of 3.1 hectares in area, currently allocated for employment purposes within the UDP. The site has been subject to landfill in the past and the levels across the land rise significantly to the north. The development is accessed via Norman Terrace to the south. The estate is surrounded by existing mature planting and a large area of designated open space lies between the site and the A19 to the east.

3.2 To the west of the entrance of the site is a recently completed housing scheme for 14 dwellings. To the south are existing Victorian terrace properties, and to the north is the East End Park. There are strategic cycle routes to the west and the east of the site.

4.0 The Proposal

4.1 The application is outline with only the access to be considered. However the amount of development is set as 83, two, three and four bedroom terrace and detached dwellings. The site will be accessed from the existing location via Norman Terrace. The scheme indicates that existing planting to the west, south and east will be retained. In order to ensure the relationship between properties is acceptable, it is proposed to re-grade the levels across the site. The applicants have previously submitted as part of the application, an ecology survey, a noise survey, a design and access statement, a planning statement, an employment land assessment, flood risk assessment and an air quality survey, and the following updated documents including a revised transport assessment and green travel plan, a revised tree and landscape assessment and supporting planning statement have been provided.

5.0 Relevant Planning History

5.1 08/01360/OUT - an Outline Application for residential development for 83 dwellings associated access landscaping and car parking was refused on the 6th

August 2008 for the following reason:

It has not been clearly demonstrated that the site could not be used for the purpose it is allocated for, nor that the scheme would result in such benefits that would outweigh its loss as an employment site. The development would therefore not meet the requirements of policy LE1/4 of the North Tyneside Unitary Development Plan.

Adjoining site:

5.2 11/01346/FUL Erection of 14no dwellings along with associated access, roadways, parking and landscaping provision at Site Of Unit 1 Howdon Green Industrial Estate Norman Terrace Wallsend. Permission granted 12.12.11 and subsequently implemented

6.0. Government Policy

6.1 National Planning Policy Framework.

6.2 National Planning Practice Guidance.

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues in this case are;

- Whether the principle of residential development is acceptable on this site;
- The impact of the proposal upon the character and appearance of the surrounding area.
- Whether occupiers of the development would have an acceptable level of amenity
- Whether sufficient parking and access would be provided and
- Whether the developer has appropriately dealt with the requirements for supporting infrastructure and the accepted targets for the provision of affordable homes.

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

7.3 Principle

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

7.5 Paragraph 14 of NPPF sets out that where the development plan is absent, silent or out of dated, the presumption is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the Framework indicate that development should be restricted.

7.6 NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth to enable the delivery of sustainable developments.

7.7 In relation to housing, NPPF states that the Government's key housing objective is to increase significantly the delivery of new homes. In order to achieve this objective Government requires that authorities should identify and maintain a rolling five year supply of housing, plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been persistent under delivery, the buffer should be increased to 20%.

7.8 The site has recently been cleared of buildings and is previously developed land. NPPF states that one of the 12 core planning policies is to encourage the effective use of land by re-using land that has been previously developed, provided it is not of high environmental value.

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

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

7.11 The site is previously developed and within the urban area. The site was previously cleared of all buildings, and is now vacant, and whilst the perimeter of the site is well landscaped, the remainder central area is of limited environmental value. There are good transport links with the Metro Station located to the north and bus routes on Hadrian Road to the south. It is the view of officers that the principle of bringing forward this vacant site for sustainable development accords with Government objectives and those of the NPPF.

8.0 Loss of Employment Land

8.1 The National Planning Policy Framework states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose... Applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities.

8.2 Policy LE1/4 seeks to ensure that the physical base of the economy is maintained and protected. Areas shown on the proposals map for employment uses B1 (Business), B2 (General Industrial) and B8 (Storage or Distribution) will

be protected from change of use to other purposes except where amongst other matters there is no reasonable expectation of the site being used for the purpose allocated and the benefits of its alternative uses in relation to other objectives of the plan have been demonstrated. This proposal would be contrary to policy LE1/4, unless members are satisfied that there is no reasonable expectation of the site being used for employment purposes and the benefits of its alternative use have been demonstrated.

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

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

8.5 The Council published an Employment Land Review (ELR) in September 2009. This concluded that broadly North Tyneside has sufficient land to meet its needs through to 2021. This has been updated in 2015 to reflect the changes to the economy pre and post recession. This recommends that the site be released for other uses, as it is no longer required employment purposes.

8.7 Members should also note that the site has been included as a housing site within the North Tyneside Council Local Plan Pre-Submission Draft 2015.

8.8 Members must also give significant weight to the fact that they have previously indicated that the principle of developing the site for an alternative residential use was acceptable.

8.9 As the most recent ELR and the update conclude that the Council has sufficient employment land to meet its needs until 2021, it is officer advice that there is no reasonable expectation of the site being used for employment purposes and therefore the proposal would meet one of the exceptional circumstances of policy LE1/4. One of the additional benefits of the proposal would be providing additional housing and this is considered below.

9.0 North Tyneside 5-Year Housing Land Supply

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

9.2 Through the North Tyneside Local Plan Pre-Submission Draft 2015, the Council has outlined a preferred level of future housing growth to 2032 based on the latest evidence of need. Reflecting this position, and after incorporating a 5% buffer, there is a minimum requirement for 6,109 new homes between 2015-16 and 2019/20.

9.3 The October 2015 Strategic Housing Land Availability Assessment (SHLAA) identifies the total potential 5-year housing land supply in the borough at 4,150 new homes (a total which includes delivery from sites yet to gain planning

permission). This represents a shortfall of 1,929 homes against the Local Plan requirement (or a 3.40 year supply of housing land).

9.4 Paragraph 49 of the NPPF sets out that relevant development plan policies for the supply of housing will not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Therefore, North Tyneside Council remains dependent upon approval of further planning permissions to achieve, and subsequently maintain, its housing supply.

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

10.0 Character, Appearance and Amenity

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

10.2 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.

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

10.4 Policy H12 states that housing development will be expected to make the most efficient use of land usually having a net density of between 30 and 50 dwellings per hectare. However, this policy was a reflection of the previous national planning policy Planning Policy Guidance (PPG) Note: 3 'Housing,' which sought to develop housing at higher densities, but was cancelled in 2010. Therefore policy H12 is out of date. NPPF does however state that local authorities should set their own approach to housing density to reflect local circumstances.

10.5 Policy DCPS No: 14 'New Housing Estates – Design and Layout' sets out the Council's recommended privacy distances between dwellings to provide privacy and outlook of 21m back to back and front to front and back to gable of 12m.

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

10.7 The proposal seeks outline planning permission for 83 dwellings. The proposed illustrative layout provides a density of 26.7 dwellings per hectare on a site of 3.1 hectares. However it should be borne in mind that the actual area to be developed is only 2.01 hectares, as it excludes those existing areas of amenity planting which the planning authority wish to be retained. The actual density of the developed site would therefore be 39.6 dwellings per hectare. The proposal is therefore considered to make an efficient use of existing land and satisfactorily address the requirements of the site.

10.8 DCPS14 sets out guidelines for privacy distances for development on new housing estates. The illustrative layout provides a scheme that complies with the DCPS14 privacy distances between properties within the development, and in relation to existing properties. The proposed dwellings have sufficient amenity space and good sized gardens. The development potentially offers a range of house types and sizes.

10.9 The site is located adjacent to existing residential development and it is considered that the proposal would not adversely impact upon local amenity, and would provide a satisfactory level of amenity for future occupiers.

10.10 The applicants have provided details of a noise survey that consider the impact of noise pollution from roads. The Manager for Environmental Health has considered the detail of the survey and raises no objection subject to conditions requiring the provision of acoustic glazing and appropriate acoustic fencing.

11.11 On the basis of the above information, it is considered that site can provide a development with an appropriate design and appearance, and which will offer a suitable level of amenity for future occupiers. Subject to the imposition of conditions to secure this, the proposal would meet the relevant requirements of UDP policies H11, H12 and DCPS14.

11.0 Biodiversity and Landscaping

11.1 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.

11.2 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.

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

11.4 The application site is previously developed land, however there are a number of existing trees and vegetation that have potential for biodiversity.

11.5 The applicant previously submitted a Bat Survey and ecology assessment which considered the existence of bats within the former buildings on site and the surrounding area, as well as Great Crested Newts within the vicinity. Subject to conditions that consider the protection of the natural habitat on site including a native hedge to the northern and eastern boundary, measures to be undertaken during the construction of the development, and the provision of native planting, the Biodiversity Officer raises no objections to the development.

11.6 It is noted that the Northumberland Wildlife Trust objected to the scheme on the basis that the proposal required an updated bat survey for the buildings, however as these buildings no longer exist then, clearly this is not necessary.

11.7 Policy E14 seeks to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development.

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

11.9 The plot is well landscaped around the periphery of the site and the applicants have provided a landscape master plan to indicate how the site would be developed. The Council's Landscape Officer has requested a number of conditions that will ensure that trees and landscape features are protected and retained. Subject to these conditions he raises no objections to the scheme.

11.10 In conclusion, NPPF advises that the planning system should contribute to and enhance the natural and local environment. It is officer advice that subject to conditions the proposal would not result in harm to biodiversity and will ensure that the existing landscape features will be retained and enhanced. The impact upon biodiversity and landscape features would therefore be acceptable. Members need to consider whether the proposal would accord with NPPF in terms of biodiversity and the natural environment and weight this in their decision.

12.0 Car Parking and Access

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

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

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

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

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

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

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

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

12.9 The applicants have provided an updated Transport Assessment (TA) which considers the likely traffic generation as a result of the development and its impact upon the surrounding road network.

12.10 The TA concludes that the affects on local junctions will not be severe and that no mitigation will be required and the Highway Network Manager concurs with this conclusion.

12.11 A Travel Plan (TP) has been submitted as part of the application. As the TP is at its early stages given the outline nature of the application, the Highway Network Manager has confirmed that it will be developed as part of reserved matters application, and targets will be determined at this stage.

12.12 The final highway layout, parking and cycle parking provision will be determined at the reserved matters stage, however the illustrative scheme demonstrates that the site can accommodate these elements and appropriate conditions have been recommended to secure this.

12.13 Nexus previously requested that a footpath be provided to the north-western part of the site to allow easier access to local services. However the provision of a footpath at this location would require the regarding of a steep bank and the loss of part of a well-established hedge. It is not considered appropriate to require a footpath/cycleway at this location.

12.14 The earlier comments from Nexus regarding inaccuracies within the Transport Plan were noted however the site is well located in terms of access to public transport and Nexus did not object to the principle of the development. The provision and implementation of the travel plan for future occupiers will assist in encouraging the use of and access to sustainable transport options.

12.15 Officers advice is that the impact on highways, and of traffic generation arising from the development would be acceptable, subject to the imposition of conditions.

13.0 Contamination

13.1 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, responsibility for securing a safe development rests with the developer and/or landowner.

13.2 Policy E3 seeks to maintain 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.

13.3 The Council's Contaminated Land Officer has been consulted and does not raise any objections. However due to the sensitive end use of housing she does recommend a condition to deal with any contamination that may be present on the site. It is officer advice that subject to the imposition of this condition that the proposal would accord with policy E3.

14.0 Contributions

14.1 When planning committee considered the planning application on 26 January 2015, and on 23 August 2015, it was resolved that Members were minded to grant planning permission subject to a S106 legal agreement to secure the following;

- The contribution of £29,714 towards open space provision within the vicinity;**
- The contribution of £20,000 towards sustainable transport objectives.**
- The provision of 16 affordable housing units.**

14.2 These S106 contributions were based upon an officer assessment of the applicant's economic viability appraisal (EVA), submitted as part of the planning application.

14.3 Shortly following the January 2015 Committee's resolution to grant permission subject to a S106 Agreement, officers were informed the applicant had received further advice from its new ground investigation specialists about further costs associated with site preparation works. The applicant informed officers their EVA had not adequately taken account of site clean-up and abnormal costs. It is important to note that the applicant had never signed a S106 legal agreement and therefore never agreed to the original S106 contributions that were sought.

14.4 Planning officers were informed that the s106 could not be signed until there was greater certainty about these costs that could only be obtained from more thorough intrusive site investigations. Further site investigations were commissioned and undertaken.

14.5 In July 2015, the applicant learnt that there were additional site clean-up and abnormal costs totalling £659,203 that had not been taken account

of in their original EVA. Officers were informed that these extra costs were too great to be discounted, and the applicant instructed its viability consultants to carry out a new EVA.

14.6 The new EVA showed that the proposed housing development with the s106 contributions agreed by committee in January 2015 (including 16 affordable homes) was unviable. Taking account of the additional costs information, the new EVA showed the site could viably support only 7 affordable homes (8%).

14.7 In August 2015, the new EVA (and the further site investigations underpinning it) was submitted to the Council with a request that the s106 contributions be reconsidered.

14.8 The Council's viability specialists were instructed to provide a view on the new EVA (and site investigation information). Following a robust assessment of the further costs information and new EVA, they advised that the site was viable with 10 affordable homes (12%), rather than the 7 affordable homes (8%) as set out in the applicant's EVA.

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

14.10 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, makes it unlawful for a planning obligation to be taken into account in determining a planning application, if it does not meet the three tests set out in Regulation 122. This states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is;
Necessary to make the development acceptable in planning terms;
Directly relates to the development; and
Fairly and reasonably relates in scale and kind to the development.

14.11 The Council's adopted SPD on Planning Obligations LDD8 states that planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that the necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve a high quality where people choose to live, work and play.

14.12 The SPD also stated that the Council is concerned that planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon economic viability of development and sets out the appropriate procedure to address this.

14.13 Further guidance on viability and affordable housing is also set out in the Government's "*Section 106 affordable housing requirements: Review*"

and appeal” (April 2013). Whilst this guidance relates specially to the way planning inspectors should address issues of viability and affordable housing where the provisions of a s106 are the subject of an appeal, officers also consider it provides useful guidance to the planning committee when deliberating such matters.

14.14 At paragraph 10 the guidance states: *“the test for viability is that the evidence indicates that the current cost of building out the entire site (at today’s prices) is at a level that would enable the developer to sell all the market units on the site (in today’s market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner”*

14.15 As well as the summarising the issue of viability, this paragraph makes it clear that assessments by planning authorities should be based on the current market conditions (the underlining is part of the guidance) and not what might happen in future. The guidance has been accepted by planning inspectors at appeal where LPA’s have sought to impose overage provisions or clawback clauses as part of s106 agreements.

14.16 At paragraph 13, the guidance goes on: *“the developer will need to submit clear, up-to-date and appropriate evidence. Wherever possible, this should take the form of an open book review of the original viability appraisal and should clearly demonstrate, by reference to evidence, that the proposals are not viable in current market conditions. The “original viability appraisal” is that which is the most recently agreed by the local planning authority and developer”*

14.17 Officers confirm the applicant has submitted clear, up to date and appropriate evidence, and they consider the new EVA provides an open book review of the original EVA.

14.18 On the basis of the Council’s viability specialists’ advice that the development could support 10 affordable houses, officers informed the applicant that they would recommend approval on the basis that the applicant agreed to sign a s106 for the delivery of 10 affordable homes as part of the development. Following further discussion, the applicant acceded to the new demand for 10 affordable homes.

14.19 In summary, the applicant has provided an updated viability appraisal, which considers the likely impact of 106 Contributions on the viability of the scheme and states that the site is not viable with all of the contributions that have been sought.

14.20 The contributions that were last sought were as follows;

- £29,714 towards open space provision with the vicinity;
- £20,000 towards sustainable transport objectives;
- 16 affordable housing units

14.21 This assessment has been subject of an independent and robust evaluation and the assumptions within the document have been verified.

Advice is that the contributions that that can be secured to ensure a viable development are:

- The provision of 10 affordable units with the following split which has been agreed with the Housing Strategy;**
- 5 social rented; and**
- 5 intermediate.**

14.22 It is officer advice that a S106 agreement to ensure the provision of the 10 (only 6 less than previously sought) affordable housing units is considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore this would comply with the CIL Regulations and Government guidance on viability issues as set out in the NPPF and Further guidance on viability and affordable housing set out in the Government's "Section 106 affordable housing requirements: Review and appeal"

15.0 Flood Risk

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

15.2 The applicant has submitted a Flood Risk Assessment and which concludes that the application site is within Flood Zone 1, the lowest risk.

15.3 Details for the disposal of surface and foul water will be dealt with via condition.

15.4 Northumbrian Water and the Environment Agency have been consulted and raise no objections subject to conditions.

15.5 It is officer advice that subject to a condition the proposal would accord with the advice in NPPF in terms of flood risk.

16.0 Financial Benefits

16.1 The proposal involves the creation of 83 dwellings. The Government pays New Homes Bonus to local authorities to assist them costs associated with housing growth and payments were first received in the financial year 2011/12. The payments are based on the net addition to the number of dwellings delivered each year, with additional payments made to encourage bringing empty homes back into use, and the provision of affordable homes. Granting consent for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

16.2 As the system currently stands, for North Tyneside, for the new increase in dwellings built in 2016/17, the Council will receive funding for the six years from 2018/19. It should be noted, however, that the Government are currently reviewing the operation of the New Homes Bonus Scheme, including reducing the numbers of years for which payments are made. This was outlined in the

Government Consultation paper “New Homes Bonus: sharpening the incentive: technical consultation,” which they issued in December 2015. This consultation closed on 10 March 2016, and the Government are yet to report on their findings.

16.3 In addition, the units will bring in revenue as a result of Council tax.

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

17.0 Conclusion

17.1 According to the most recent Employment Land Review dated September 2009, The Council has enough Employment Land to meet its needs through to 2021. It does not however have a deliverable 5-year housing land supply as required by NPPF.

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

17.3 The principle of a residential scheme on this brownfield site is supported by the NPPF and North Tyneside UDP policies and guidance. The site is well located in terms of access to sustainable transport, its position in relation to existing housing and the provision of suitable amenity space within the site. The applicant has also offered to contribute towards affordable housing provision.

17.4 On this basis, it is officer advice that the development accords with government and UDP policy and is acceptable. Therefore it is recommended that outline planning permission is granted subject to conditions and a S106 Legal Agreement.

RECOMMENDATION: Minded to grant legal agreement req.

Recommend that Members indicate they are minded to grant outline planning permission, subject to the conditions outlined below and the addition, omission or amendment of any considered necessary, and grant plenary powers to the Head of Environment and Leisure to grant planning permission for the development subject to securing of a Section 106 Legal Agreement for the following: -

The provision of 10 affordable housing units with the following mix;

- 5 social rented;**
- 5 intermediate.**

Conditions/Reasons

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

SITE LOCATION PLAN 07403AD(00)004

SITE SURVEY 07403AD(00)005 & 006
REVISED LAYOUT A101RevC dated March 2014 (rec'd 19 May 14)
ARBORICULTURAL SURVEY SF1406 Rev D: May 2014 (rec'd 19 May
2014)
ARBORICULTURAL PLAN TS01Rev A dated Jan 2008 (rec'd 19 May 14)
Bat Roost & Great Crested Newt Assessment. SF 1098 July 2008
Reason: To ensure that the development as carried out does not vary from
the approved plans.

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

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

3. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. Prior to the commencement of the development a scheme identifying the location within the site for ten bird and five bat boxes to be erected. Thereafter the boxes shall be installed and retained in accordance with the approved scheme within six months of the commencement of the development.

Reason: In the interest of habitat creation in accordance with the NPPF and policy E1 of the North Tyneside Unitary Development Plan.

5. No dwelling hereby permitted shall be occupied until the new means of access has been sited and laid out in accordance with the details to be submitted and agreed by the Local Planning Authority.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DCPS No.14 of the North Tyneside Unitary Development Plan 2002.

6. The development shall be served by means of adoptable estate roads and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out in accordance with the details to be approved pursuant to condition 2.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highways and of the development having regard to policy DCPS 14 of the North Tyneside Unitary Development Plan 2002.

7. The details to be submitted pursuant to Condition 2 above shall provide full information on the means of dealing with the disposal of surface water from the roads, footways and other hard surfaces.

Reason: To provide a satisfactory means of surface water drainage having

regard to policy DCPS 14 of the North Tyneside Unitary Development Plan 2002.

8. Within 3 month(s) of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up in accordance with the details to be approved pursuant to condition 2.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the users of the highway having regard to policy DCPS 14 of the North Tyneside Unitary Development Plan 2002.

9. The details to be submitted pursuant to condition 2 above shall include a scheme for private and visitor parking in accordance with LDD12, garaging and manoeuvring of vehicles. The approved scheme shall be implemented and made available for use before the development hereby permitted is fully occupied 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 DCPS 14 of the North Tyneside Unitary Development Plan 2002.

10. Prior to the development commencing a detailed scheme to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from construction activities shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of a) mechanical street cleaning brushes and b) the provision of water bowsers to be made available to spray working areas due to dry conditions. Thereafter development shall not be carried out other than in accordance with the approved details and the approved measures shall be retained on site for the duration of the works.

Reason: This needs to be pre-commencement to ensure that the facilities to prevent mud and dust are provided for when construction work begins to safeguard the occupiers of surrounding properties and users of the public highway from any discomfort or loss of amenity arising from construction activities on the site and having regard to policy DCPS14 of the North Tyneside Unitary Development Plan.

11. Prior to construction of any dwelling above damp proof course a scheme for the provision of improved cycle links shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before any of the dwellings hereby permitted are first occupied.

Reason: In the interests of the provision of sustainable transport options and having regard to policy T8 of North Tyneside Unitary Development Plan.

12. Notwithstanding the details indicated on Dwg No A101RevC dated March 2014 (rec'd 19 May 14, the revised site layout) a revised traffic calming scheme must be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and having regard to policy DCPS14 of the North Tyneside Unitary Development Plan.

13. Notwithstanding the details indicated on Dwg No A101RevC dated March

2014 (rec'd 19 May 14, the revised site layout) a revised layout indicating areas to be offered for adoption between plot numbers 51 to 59 must be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and having regard to policy DCPS14 of the North Tyneside Unitary Development Plan.

14. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

15. There shall be no demolition activity or vehicle movements to, from or within the site outside the hours of 0800-1800 Monday to Friday, 0800-1400 Saturday with no working on Sundays or Bank Holidays.

Reason: To safeguard the amenities of neighbouring residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

16. No dwelling shall be constructed above damp proof course level until a scheme showing how the development hereby approved is to be protected against the possibility of landfill gas migrating from the nearby former landfill site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not take place otherwise than in accordance with the details shown in such approved scheme, and those measures incorporated into the development shall thereafter be retained.

Reason: This information is required to ensure that the details of the development are satisfactory to prevent the 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.

17. The details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground, including methane gas, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To check for gas emissions from underground sources and ensure that the details of the development are satisfactory to prevent the adverse effects of underground gas emissions having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

18. The detailed design and construction of the development shall take account of the results of the site investigation and assessment agreed pursuant to condition 17 and also of the possibility of future gas emissions from underground, including methane gas, and the method of construction shall reflect this possibility and incorporate all the measures shown in the assessment to be necessary and any other reasonable precautions to the satisfaction of the Local Planning Authority so as to guard against such emissions having an adverse effect upon the development and/or the future users and occupiers thereof.

Reason: In order to safeguard the development and/or the occupants

thereof from possible future gas emissions from underground having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

19. The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted as part of the details of the proposed development as required by Condition No. 2 above. The scheme shall incorporate and retain existing hedges to the northern and eastern boundary and shall include provision for more diverse species range within the buffer planting to include:

Holly, hazel, prunus padus, prunus avium, viburnum opulus, rosa canina, prunus spinosa and crateagus.

Trees should be 1/2 standard/standard trees positioned a minimum of 10m apart and planted away from the rear garden fences and should include Birch and Acer campestre.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DCPS14 of the North Tyneside Unitary Development Plan 2002.

20. No dwelling hereby permitted shall be constructed above damp proof course level until details of facilities to be provided for the storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. The facilities which should also 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: In order to safeguard the amenities of the area having regard to policy DCPS 14 of the North Tyneside Unitary Development Plan 2002.

21. No development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings has been 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 needs to be pre-commencement to ensure that the work at the very beginning 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 DCPS 14 of the North Tyneside Unitary Development Plan 2002.

22. All builders and contractors compounds, site huts, and storage of plant and materials shall be located in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to any development taking place.

Reason: This needs to be pre-commencement to ensure that the site set up is agreed and in place prior to the construction work commencing in the interests of the amenity of neighbouring residents having regard to policy DCPS 3 of the North Tyneside Unitary Development Plan 2002.

23. The materials to be used for the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority otherwise first agrees in writing.

Reason: To secure a satisfactory external appearance having regard to policy DCPS 14 of the North Tyneside Unitary Development Plan 2002.

24. Prior to the commencement of any site clearance works or of the development there shall be submitted to the Local Planning Authority for their approval a scheme showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding or post and rail fencing, to a height of 1.5 metres, well braced to resist impacts and supporting either cleft chestnut pale or chain link fencing and sited at a minimum distance from the tree equivalent to the crown spread.

No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- a) There shall be no changes in ground levels;
- b) No materials or plant shall be stored;
- c) No buildings or temporary buildings shall be erected or stationed;
- d) No materials or waste shall be burnt;
- e) No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority, and
- f) In carrying out the development, the developer shall conform with the recommendations in BS 5837:2012 in relation to the protection of trees during construction.

Reason: This needs to be pre-commencement to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DCPS 6 of the North Tyneside Unitary Development Plan 2002.

25. Notwithstanding the details indicated on Dwg No A101RevC dated March 2014 (rec'd 19 May 14, the revised site layout) a revised plan indicating the location of units 49, 50 and 69 shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be constructed in accordance with those approved details.

Reason: In the interest of the protection of trees and landscaping and having regard to policy DCPS14 of the North Tyneside Unitary Development Plan.

26. No dwelling hereby approved shall be constructed above damp proof course level until details of a surface water drainage system have been submitted to and approved by the Local Planning Authority in consultation with Northumbrian Water. The surface water drainage system shall be constructed in accordance with those approved details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and having regards to policy DCPS14 of the North Tyneside Unitary Development Plan.

27. Development shall only be carried out in accordance with the mitigation detailed within the protected species report 'Bat Roost and Great Crested Newt Assessment, Howdon Green, Wallsend' SF 1098 July 2008 including, but not restricted to adherence to timing and spatial restrictions; precautionary working methods; roost creation in new buildings; landscaping.

These mitigation details include but not limited to the following:

Prior to the felling or works to all mature and dead trees which are to be removed as part of the development of this site a bat survey should be undertaken. This survey should be carried out by an independent ecologist at the appropriate time of year in accordance with ODPM circular 06/2005 paragraphs 98-99 and in accordance with the Bat Conservation Trust guidelines. Any mitigation proposals resulting from this assessment must be adhered to in full. The survey results submitted to the Local Authority ecologist prior to work commencing to those trees.

Reason: To conserve protected species and their habitat and having regard to policy E1 of the North Tyneside Unitary Development Plan.

28. 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 occupation of the buildings or the completion of the development, whichever is the sooner, 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 to ensure a satisfactory standard of landscaping having regard to policy DCPS 14 of the North Tyneside Unitary Development Plan 2002.

29. No dwelling hereby permitted shall be constructed above damp proof course level until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. This shall include provision of fencing to the eastern boundary of the site to incorporate noise attenuation measures as set out in the Noise Assessment Report dated 24th April 2008. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policy DCPS14 of the North Tyneside Unitary Development Plan 2002.

30. Details of an acceptable method of foul drainage disposal to be connected to the foul sewer shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Northumbrian Water, in order to demonstrate that the sewerage and sewage disposal systems serving the

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

Contact ERH Path Bridleway Xs Site (I07)

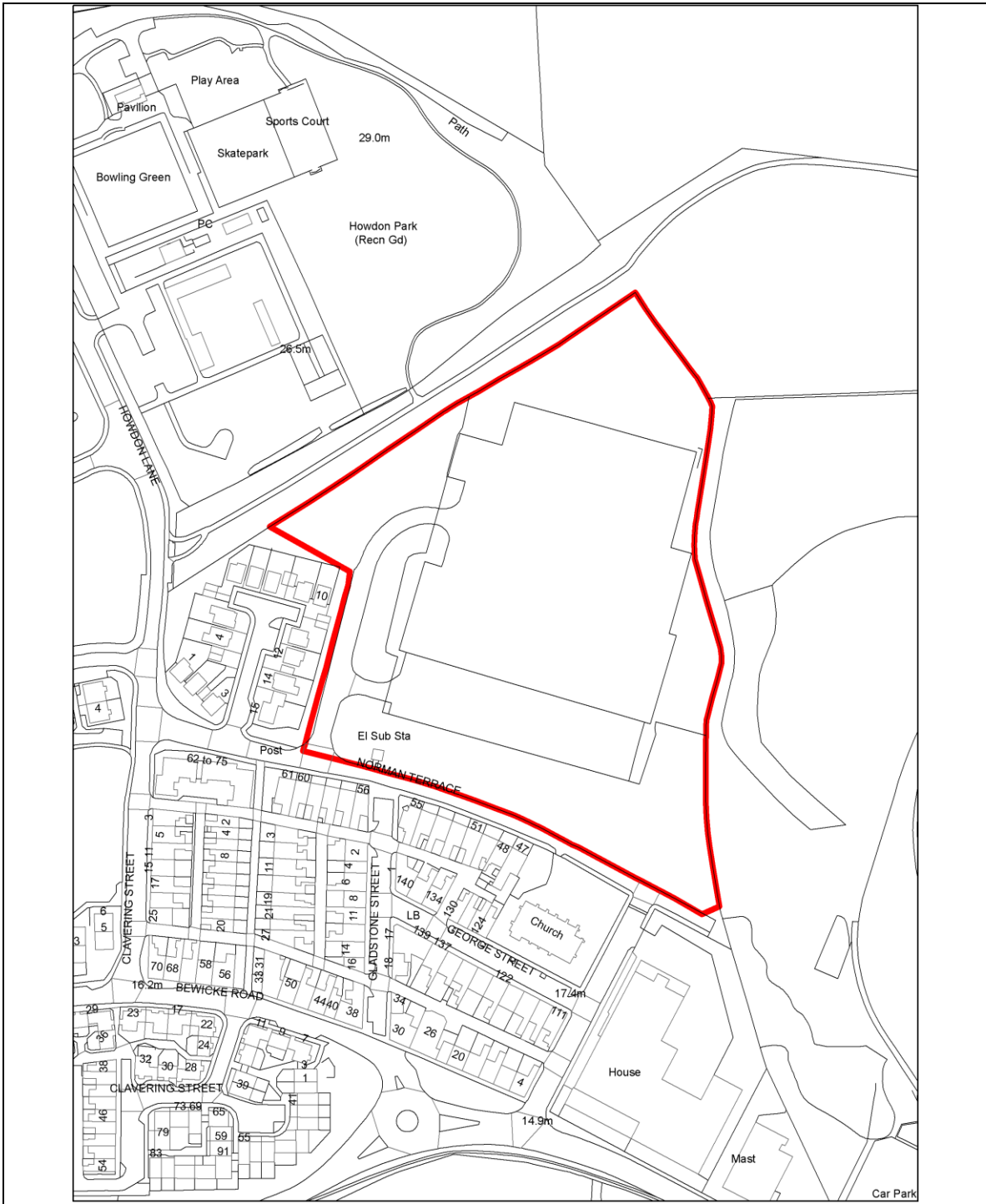
No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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 Rights of Way Officer. Prior to the commencement of works and upon the completion of the development the developer shall contact the 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 Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.



Application reference: 08/03131/OUT

Location: Howdon Green Industrial Estate, Norman Terrace, Wallsend

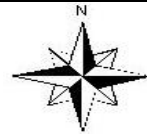
Proposal: Outline planning application for residential development for 83 dwellings and details of proposed access (Amended Description)

Not to scale

Date: 22.09.2016

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Consultations/representations

The Consultation representations set out below have been received in response to the most recent consultation exercise. Comments received in response to the earlier consultation in 2009 which have not been updated or revised are also included separately, and later in the appendix, however as they were made on the basis of outdated national and local planning policy and existing site conditions and circumstances at the time, (which have changed significantly), they should be afforded limited weight.

1.0 The Highway Network Manager

1.1 This is an outline application for a residential development consisting of 83 dwellings and details of proposed access. Permission is sought for the access only with all other matters reserved.

1.2 A Transport Assessment (TA) was submitted as part of the planning application that analysed the highway network in the vicinity of the site as well as the proposed site accesses. The TA concluded that the affects on local junctions will not be severe and that no mitigation will be required.

1.3 A Travel Plan (TP) has been submitted as part of the application. As the TP is at its early stages given the outline nature of the application, it will be developed as part of reserved matters and targets will be determined at this stage. **The developer originally agreed a contribution of £20,000 towards sustainable transport objectives; however they have reviewed the scheme as a whole and advised that this contribution is no longer viable. Given the outline nature of the application and vagueness in the description of the original S106 contribution it is considered that the removal of the requirement would not have a severe impact on the local highway network and sustainable objectives of the development.**

1.4 The Framework Travel Plan included as part of this application will need to be developed as and when a reserved matters application is received and when the development is built out and occupied. Current best practice will require that this TP identifies targets for a reduction in traffic movements associated with the site and it is likely that the Local Highway Authority will require a Travel Plan Bond that will be used on improvements to sustainable transport improvements, should these targets not be met.

1.5 Whilst an indicative layout has been provided, the highway layout, parking and cycle parking provision etc. will be determined at the reserved matters stage and appropriate conditions have been included.

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

1.7 Recommendation - Conditional Approval

1.8 Conditions:

ACC01 - House Est Layout Adopt Roads No Occ OUT
ACC08 - New Access: Access before Devel (OUT)
ACC16 - Exist Access Closure By (OUT) (*6 Months)
ACC24 - Turning Areas: Laid out before Occ (OUT)
ACC27 - Traffic calming measures to 20mph
DRN01 - Housing Estate: Road Drainage (OUT)
PAR02 - Veh: Parking, Garaging (OUT)
REF01 - Refuse Storage: Detail, Provide Before Occ
SIT05 - Construction Management

1.9 No development shall commence until a detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

1.10 No development shall commence until a scheme for the provision of secure undercover cycle parking has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

1.11 No development shall commence until a scheme to provide visibility splays of 2.4m by 33m on internal junctions has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety.

1.12 No development shall commence until a revised scheme showing improved pedestrian/cycle routes within the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter this scheme shall be laid out in accordance with the approved plan.

Reason: In the interests of highway safety.

1.13 Notwithstanding the details submitted, the Framework Travel Plan shall be developed to include measures to encourage the use of sustainable travel and reduce car journeys associated with the site. This travel plan will also identify targets and provide a Travel Plan Bond that will be used for improvements to sustainable transport in this area if these targets are not met.

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

1.14 Informatives:

I05 - Contact Env Serv:Construct Highway Access

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

I08 - Contact Env Serv: Works to Footway

I10 - No Doors/Gates to Project over Highways

I13 - Don't Obstruct Highways: Build Materials

I45 - Street Naming and Numbering.

I46 - Highways Inspection before development.

1.15 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 Rights of Way Officer.

1.16 Prior to the commencement of works and upon the completion of the development the developer shall contact the 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.

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

2.0 Manager for Environmental Health (Pollution)

2.1 I note that the noise assessment dates back to April 2008 and in most instances it would be necessary for the noise monitoring to have been updated to reflect the most current noise climate. However, it is noted that the industrial estate is no longer in existence and the A19 noise climate will have improved due to road changes for the Tyne tunnel resulting in improved traffic flow.

2.2 It is therefore considered that the noise monitoring results outlined within the 2008 report are potentially representative of worst case scenario. The implementation of the mitigation measures specified within the noise assessment report indicates that the noise exposure internally within the proposed housing should meet the requirements of BS8233 and with the provision of boundary fencing between Norman Terrace and the A19 external levels should comply with the World Health Organisation guidance for outdoor noise exposure.

2.3 Therefore, if planning consent is to be given I would recommend the following conditions:

HOU04

Piling activities, if require, shall be carried out between 10:00 and 14:00 hours Monday to Saturday, with no piling permitted on Sundays or Bank Holidays.

SIT03

A detailed scheme must be provided in accordance with BS8233 to show that all habitable rooms are provided with good standards of glazing to give a minimum resultant noise level of 30 dB LAeq for bedrooms and 35 dB LAeq for living rooms as specified in noise report DLE1180/001/240408/AEC/NM.

Boundary screening, consisting of double boarded fencing, must be fitted to all gardens facing Norman Terrace and the A19 to mitigate noise levels from the A19 and comply with the World Health guidance levels for outdoor areas.

3.0 Manager for Environmental Health (Contamination)

3.1 I note that the reports issued in support of this application are between 6 to 9 years old. The following should be attached:

Gas 01,02,03

and Con 01

No other part of the development shall be commenced until:-

a) A detailed site investigation has been carried out to establish:

- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed form the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground

storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

4.0 The Council's Landscape Officer has commented

4.1 With reference to the updated information for the above application:

The retention of the category A and B trees, and the removal of category C and R trees is acceptable and should result in an improved landscaped buffer to the southern/ eastern boundaries and sections of the northern boundary.

Confirmation is required that the existing hedgerows to the northern and eastern boundaries will be retained and protected.

Satisfactory tree protection details must be submitted prior to works commencing, to be conditioned.

4.2 A method statement is required for any works proposed within the root protection areas of any of the retained trees (to be conditioned prior to works commencing), specifically:

Proposed hard surfacing adjacent to T1

Proposed footpaths through existing planting

Proposed boundary walls / fences

Proposed services

Level changes

4.3 A fully detailed planting plan is required (to be conditioned) to include details of proposed trees within the development (I would recommend a minimum size of 12-14cm girth), additional planting within the existing perimeter shelterbelts (whips or transplants would be acceptable) and the proposed buffer planting to the northern and eastern boundaries.

5.0 The Council's Biodiversity Officer has raised no objection to the scheme and has

5.1 Requested the following Conditions:-

The 'Mitigation' section in 5.2 of the 'Bat & Great Crested Newt Assessment' must be conditioned.

5.2 A bat survey must be undertaken on all mature and dead trees which are to be removed as part of the development of this site and the survey results submitted to the Local Authority ecologist prior to work commencing.

5.3 The native hedgerow running along the north-eastern and north-western site boundaries must be retained and protected during the course of any development works on site.

5.4 No trees should be felled during the bird breeding season (March-August inclusive), unless first checked by an appropriately experienced ecologist to ensure there are no nests present.

10 Bird and 5 bat boxes should be erected within the site to provide additional nesting and roosting opportunities. A Plan must be submitted showing the location of these boxes.

5.5 Any vegetation clearance or demolition works should be undertaken outside of the bird breeding season. (March-August). Clearance of the semi-improved grassland area should be undertaken in the winter months and the sward kept short to make the area unsuitable for reptiles. (As set out in the Protected Species Assessment - Page 10).

5.6 Retained trees within the site should be protected during the course of any works in accordance with BS 5837: 2005 Trees in Relation to Construction.

5.7 During site works, any trenches must be covered at the end of each working day and any temporarily exposed open pipe systems should be capped, to prevent animals such as badgers gaining access.

External Consultees

6.0 Natural England

6.1 Relationship with the Draft Local Plan

Your Authority should consider work being carried out in relation to the Draft Local Plan. The Habitats Regulations Assessment (HRA) of the Local Plan has highlighted potential impacts as a result of recreational pressure on the Northumbria Coast SPA and Tees and Cleveland Coast SPA and considers potential options to mitigate impacts. Proposed mitigation has been discussed and ongoing work is required, including the preparation of a Supplementary Planning Document to outline appropriate mitigation, which may include access management measures such as educational signage and access management within the SPA, to ensure the coast is used in an appropriate way, which does not result in harm to its interest features.

It will be necessary to ensure consistency between the evidence base work for the Local Plan and any required avoidance and mitigation measures for this proposal. Given that evidence is already available in relation to the Core Strategy this should assist your Authority in considering the need for any avoidance and mitigation measures under the requirements of the Habitats Regulations.

6.2 Protected species

We have not assessed this application and associated documents for impacts on protected species.

7.0 Northumbrian Water

7.1 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.

7.2 Having assessed the proposed development against the context outlined above we have the following comments to make:

7.3 The planning application does not provide sufficient detail with regards to the management of surface foul water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

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

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

7.5 The Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:

Soakaway
Watercourse and finally
Sewer.

7.6 If sewer is the only option the developer should contact Niki Mather (tel 0191 4196603) at this office to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

8.0 The Environment Agency

8.1 No objections raised to the proposed development in principle, subject to the following condition being imposed with any planning permission granted:
No development approved by this permission shall be commenced until details of a surface water drainage system have been submitted and approved by the Local Planning Authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

8.1 The submitted Flood Risk Assessment (FRA) demonstrates that the proposed development will not increase flood risk elsewhere but a detailed drainage assessment is required prior to commence of any works. We therefore recommend the above planning condition be imposed.

8.2 An acceptable method of foul drainage disposal would be connection to the foul sewer. The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

8.3 We consider that a planning application of this scale should incorporate Sustainable Energy Use / Renewable Energy Generation principles. In line with the Regional Spatial Strategy for the North East, we consider the proposed development should be designed to ensure energy consumption is minimised and meets the EcoHome "very good" or "excellent" rating or an equivalent Code for Sustainable Homes rating. In addition, we consider the proposed development should have embedded within it a minimum of 10% energy supply from renewable resources.

9.0 The Northumberland Wildlife Trust have objected to the scheme on the basis that a revised bat survey be undertaken of the buildings on site.

The Following comments were submitted prior to consideration of the application at the earlier planning committee. All correspondents were reconsulted but did not respond further.

10.0 Senior Manager – Regeneration Team

10.1 Howdon Green Industrial Estate has remained empty for a number of years. Under the current economic climate demand for industrial property will remain subdued, with every likelihood the estate will remain empty for another two to three years and deteriorate still further within this improving area. Whilst the owners, Ashtenne were responsible for removing the tenants several years ago, the tenants all successfully relocated within the Borough. Therefore there was no loss of employment.

10.2 Given this, and the residential nature of the Howdon Green's surroundings, it may well be appropriate for this land to be given over to housing. However I understand that North Tyneside's employment land analysis has not yet been finalised. If this is the case the application can be seen as premature at this time.

11.0 One North East (The Regional Development Agency which was abolished in 2008) – the 11.1 application does not fall within the criteria on which ONE wish to be consulted. Notes that the site is included within North Tyneside Council's New Growth Point programme of development which is currently being considered by the Government.

12.0 Primary Care Trust

The Successor to the PCT, NHS Property Services was consulted on this application but did not respond.

13.0 Nexus commented

13.1 They are disappointed that despite their comments on the original application the Transport Assessment has not been updated. The inaccuracies detailed in that first response still stand. We note that an additional pedestrian access has been made to footpath 14 which makes access the major cycle route easier. Although we recognise that there might be level difficulties with the provision of

the footpath we suggested that the north west corner of the site to enable more direct access to the metro and bus stops but there is mention of it even being considered and then rejected.

13.2 The transport assessment associated with this application is not accurate in relation to public transport. The only bus service in the area is the 17 (renumbered from the 317 on 30/3/208) which runs every thirty minutes providing links to Wallsend, North Shields and Whitley Bay. The service 329 no longer runs and the 9/9A have been diverted to run through East Howdon. The use of measurements from the site entrance to bus stops and Howdon Metro station is misleading as the real issue affecting people's modal choice is the walking distance from their house to the stop or station. By my calculation the nearest bus stops are at least 300m from the extremity of the development to the northbound bus stop at Clavering Street and slightly further to the southbound one on Bewicke Street.

13.3 There will be a necessity, particularly in respect of the latter to ensure that residents are aware of the walking routes to the stops and provision of an additional stop closer to the site may be appropriate. The distance from the furthest point of the application site to the Metro station is 600m as no direct walking route is provided. In addition there is a moderately steep gradient on Howdon Road from its junction with Auburn Close up to the Metro station. The applicant should be looking to provide a direct pedestrian/cycle route from the vicinity of the proposed play area directly Northeast across cycle route 72 to meet Howdon Lane in the vicinity of its junction with Haydon Drive.

13.4 The information provided on Metro services is broadly accurate although the mention of Heworth as an access point to the National Rail network is misleading as only a very limited local service (which passes through Newcastle Central station anyway) is available there. The logical location to access rail service is via Newcastle Central Station which is very easily accessed by Metro. Nexus would be happy to advise on transport issues in relation to this application and also to provide information on the local bus service.

13.5 Nexus does not object in principle to this application, but we feel that more attention needs to be paid to sustainable travel modes in this location especially as it is an area where existing residents have complained about transport problems.

14.0 Tyne & Wear Passenger Transport Authority – notes that the development will share a boundary with tunnel land owned by the PTA and it should be a condition that nothing is done to the land which compromises or affects boundary security, particularly during the period of construction of the new tunnel.

15.0 Northumbria Police (architectural liaison) have commented that though reference is made to crime prevention within the Design and Access statement there are no details provided. Therefore it is recommended that the applicant contact him to pursue crime prevention and ACPO design.

16.0 CTC – as previously notes that the development does not appear to be designed on the recommendations of the Manual for Streets which demonstrates the benefits that flow from good design and assigns higher priority to pedestrians and cyclists. There are limited entry points into the development and insufficient direct links to the adjacent cycle network which would encourage people to cycle. There should be cycle storage within the development where garages are not available.

Representations

17.0 Two letters of support have been received from one address raising the following issues:

- generally pleased but want to know how cars will be stopped from parking on the grass verge and footpath which is proposed;
- fully supports the scheme and notes the Mayors pledge to deliver a “better quality of life” to residents and the LA now needs to live up to this pledge and consider how this site has been abused with outside business hours working rather than supporting the hypothetical needs of anonymous job-seekers;
- the estate has attracted vandals and anti-social behaviour which diminishes the quality of life for those near by and housing development will render the area unattractive to criminals;
- if not approved the junction of Norman Terrace and Gladstone Street should be re-closed to prevent access to lorries.

18.0 A summary of some of the comments made by the Wallsend Forum expressed concerns about inappropriate or premature applications, on the grounds that more residential development may not be supported/accompanied by infrastructure such as schools, shops, local services etc.