

Item No: 5.5
Application No: 16/01956/FUL Author: Julia Dawson
Date valid: 15 December 2016 ☎: 0191 643 6314
Target: 16 March 2017 Ward: Monkseaton South
decision date:

Application type: full planning application

Location: Land To The Rear of Briar Vale, Whitley Bay, Tyne And Wear,

Proposal: The excavation of a 6500m3 dry storage basin to the south west of the Briar Vale residential area to retain surface water run off from the fields during intense periods of rainfall. Associated works include the construction of a new ditch to link the storage basin to the NWA surface water sewer

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

Agent: Capita, FAO Mr Steven Harvey 16 Quadrant East The Silverlink North
Cobalt Business Park North Tyneside 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 3.39 hectares area of land to the south west of the residential development of Briar Vale in West Monkseaton. The application site runs in a south easterly direction to the rear of Monkseaton High School as far as Rake Lane. The application site is part of a larger area of land which consists of a gently undulating, agricultural patchwork of field systems

used for crop production. Briar Vale borders the site to north east along with the adjacent playing fields and open green space of the high school. Hedgerows and trees divide up the application site and are located along the boundaries. Existing drainage ditches are located along the side hedgerows.

2.2 The application site is safeguarded land (UDP designation) and is identified as a strategic site within the emerging local plan. It is also located within a high risk Coal Authority referral area and contaminated land buffer zone

3.0 Description of the Proposed Development

3.1 The proposal relates to the excavation of a 6500m³ dry storage basin to the south west of the Briar Vale in order to retain surface water run off from the fields during intense periods of rainfall. Associated works include the construction of a new ditch to link the storage basin to the NWA surface water sewer.

3.2 The following information has been submitted in support of the application:

- Scheme Supporting Statement – Briar Vale
- Groundsure Report
- Geo-Environmental Desk Study - Appendix A, D and E
- Geo-Environmental Desk Study - Photos
- Flood Risk Assessment
- Environmental Reports (Various)
- Statement of Common Ground
- Archaeological Report
- Tree Appraisal and Impacts Assessment
- Heritage Statement

4.0 Relevant Planning History

4.1 None

5.0 Development Plan

5.1 North Tyneside Council Unitary Development Plan (adopted March 2002)
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 In the current UDP the site is designated as safeguarded land according to policies E21 and E21/1. It is clear that the proposal would not be located on previously developed. Whilst NPPF encourages the use of previously developed land it is not a prerequisite.

8.3 According to policy E21 safeguarded land is defined as land that may be required for development beyond the plan period.

8.4 UDP Policy E21/1 states that the development within the area defined as safeguarded land will not be permitted unless the following apply:

- It preserves the open nature of the area especially where this forms important open breaks between or within the built up area, and
- It does not cause significant visual intrusion, and
- It does not adversely affect access for recreation, and
- It will not adversely affect important landscape features, and
- It will not cause significant harm to agricultural or forestry operations, and
- No alternative site is reasonably available.

8.5 The proposed development involves excavation works to form a 6500m³ dry storage basin to the south west of Briar Vale in order to retain surface water run off from the fields during intense periods of rainfall, along with the construction of a ditch to link the storage basin to Northumbrian Water's surface water sewer.

8.6 It is considered the proposals 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 known flooding issues in the local area.

8.7 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 A concern has been raised from a local resident with regard to a lack of clarity as to whether the proposals are part of the local plan application. The applicant has confirmed (within the background information submitted with the application) that the proposed scheme is as a result of coordination between North Tyneside Council, the Environment Agency, land owners, developers, Northumbrian Water, Nexus and other statutory undertakers. The proposals do not form part of any development that may be carried out in the surrounding fields.

8.10 It is the advice of Officers that this scheme is acceptable and complies with the aims of the NPPF and UDP policies E21 and E21/1.

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 The nearest residential properties are to the north east of the application site at Briar Vale. Whilst four representations have been received (from three residents and the landowner) these do not raise any issues with regard to the impact on residential amenity as a direct result of the proposed flood alleviation 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 arable land bounded to the north east by residential properties. The Council's Biodiversity Officer has considered the information submitted in support of the application and has advised that the scheme has the potential to have the following impacts: Breeding birds (ground nesting and tree/hedge nesting); Loss of arable land used by ground nesting and wintering birds; Loss of hedgerow, and; Potential impacts to scrub and hedgerow systems adjacent to the site. As such, she has recommended several conditions be attached to the grant of approval in order to ensure that appropriate mitigation measures are undertaken.

10.5 It is the advice of Officers that, subject to the suggested conditions, 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 E23 of the UDP states that the local planning authority will seek to protect and conserve mature trees and hedgerows, wherever possible in the countryside and will encourage further tree and hedgerow planting with native species wherever practicable and appropriate.

11.3 The application site consists mainly of agricultural land. The majority of trees on the site are located within the hedgerows which divide up and border the land. A Tree Appraisal and Impact Assessment has been submitted.

11.4 The Council's Landscape Architect has raised no objections to the proposals. However, he has advised that the likely effects of the proposed excavation alignment will be to break through three established mature hedgerows, with occasional hedgerow trees and other ecological features such as open ditch systems, agricultural capable and improved grassland areas. He has noted the absence of Landscape Impact Assessment and has advised that further information will be required, i.e. an Arboricultural Impact Assessment, Method Statement and details of the reinstatement of hedgerows, tree protection measures, etc. Such information can be required by conditions attached to the approval, as per the feedback set out by the Council's Biodiversity Officer.

11.5 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 E23.

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 Access to the site is via Rake Lane to the south east.

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, an informative is recommended to ensure the applicant liaises with the Rights of Way Officer throughout the works and reinstates any damage to the public rights of way network as a result of the work.

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 the site has previously been opencast, which will have destroyed any buried archaeological remains. No archaeological work is therefore required.

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.

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

16.0 Other Matters

16.1 A holding objection has been submitted by Murton Farm Estate. Whilst the content of this is noted, it does not raise any material planning considerations. The Case Officer has forwarded the objection to the applicant, who has advised that it is being dealt with by the applicant and the Council. The applicant has

advised that in order to deliver the scheme within the required timescales the planning application had to be submitted in advance of an agreement on the land being in place.

16.2 The suggestions made by a local resident with regard to modifications to Marden Quarry Park/Nature Reserve and a strictly followed set of maintenance instructions and corresponding actions to be carried out often enough to ensure the outlet for water from the lake in Marden Quarry is cleared, along with the suggesting raising of boundary of the lake are noted. However, the applicant and the Council, along with other parties, have been working on the scheme for a considerable time and consider the proposed works will provide will achieve effective flood alleviation measures in this location.

16.3 In addition, Northumbrian Water have also expressed their full support to the proposed scheme and have advised that they are continuing to work with North Tyneside Council to deliver the scheme. They have also confirmed that the downstream element of the surface water strategy, which routes surface water from Marden Quarry to the sea, has been completed by Northumbrian Water. These works will provide a surface water drainage route directly from Briar Vale to the North Sea.

16.4 The concerns regarding a lack of public consultation are noted. However, in terms of this planning application, public consultation has been carried out in excess of the statutory requirements set out in Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

17.0 Conclusion

17.1 The proposed works are to alleviate flooding to the benefit of the local community. It will involve the formation of a dry storage basin and the construction of a new ditch to link to the storage basin to the surface water sewer.

16.2 Subject to conditions, it is considered that the development is acceptable in terms of its impact on 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
 - Tree Protection Plan, CS074550-CAP-00-VES-ML-V-0004 P01.1
 - Public Right of Way, MGAP-CAP-BV-GEN-DR-C-7028

- Schematic Drawing, MGAP-CAP-BV-GEN-DR-C-1023, P1
- Site Boundary, MGAP-CAP-WE-GEN-DR-C-1024, P1
- Storage Basins Cross Section, MGAP-CAP-BV-GEN-DR-C-7024

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 creation of wildflower/damp meadow grassland within the drainage basin and along the new ditch, re- instatement of the proposed surface water culvert area with an appropriate grass margin mix and the creation of new hedgerow along the eastern boundary of the ditch/surface water culvert area. 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 E23 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, an Arboricultural Impact Assessment (AIA), which should contain a Tree and Hedgerow Protection Method Statement (MS), must be submitted to and approved in writing by the Local Planning Authority. The document should also clearly show the extent of the hedgerow/tree removal and pruning works and how the removal of trees and hedgerows will impact and be mitigated by replacement planting. The document

should also include the type of protection (fencing) measures (and distances) that will be used with regard to the trees, hedgerow and potential suburban (3rd party neighbouring trees). The submitted information should also include a plan detailing the individual (dimensioned or scaled) stand-off distances for the protective fencing. 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. All works are to be carried out in accordance with BS3998: 2010 maintaining shape and form. Branches are not to be lopped or topped. Ensure overall shape and form of the tree species is maintained. The work is to include the removal of deadwood, weak, damaged, crossing and overlapping branches but leaving the main branch structure intact.

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 E23 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 E23 of the UDP.

11. Vegetation removal shall not take place during the bird nesting season (March-August inclusive) to avoid impacts to breeding birds, in particular, ground nesting birds 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. Prior to commencement of development details of six bird nest boxes (including two tree sparrow nest boxes) to be installed within or adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the boxes shall be installed in accordance with the approved details and retained.

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

13. Noise Scheme to Control Noise From Site NOI10 *H13

14. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. 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.

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

Do Not Obstruct Highway Build Materials (I13)

Coal Mining Standing Advice (FUL,OUT) (I44)

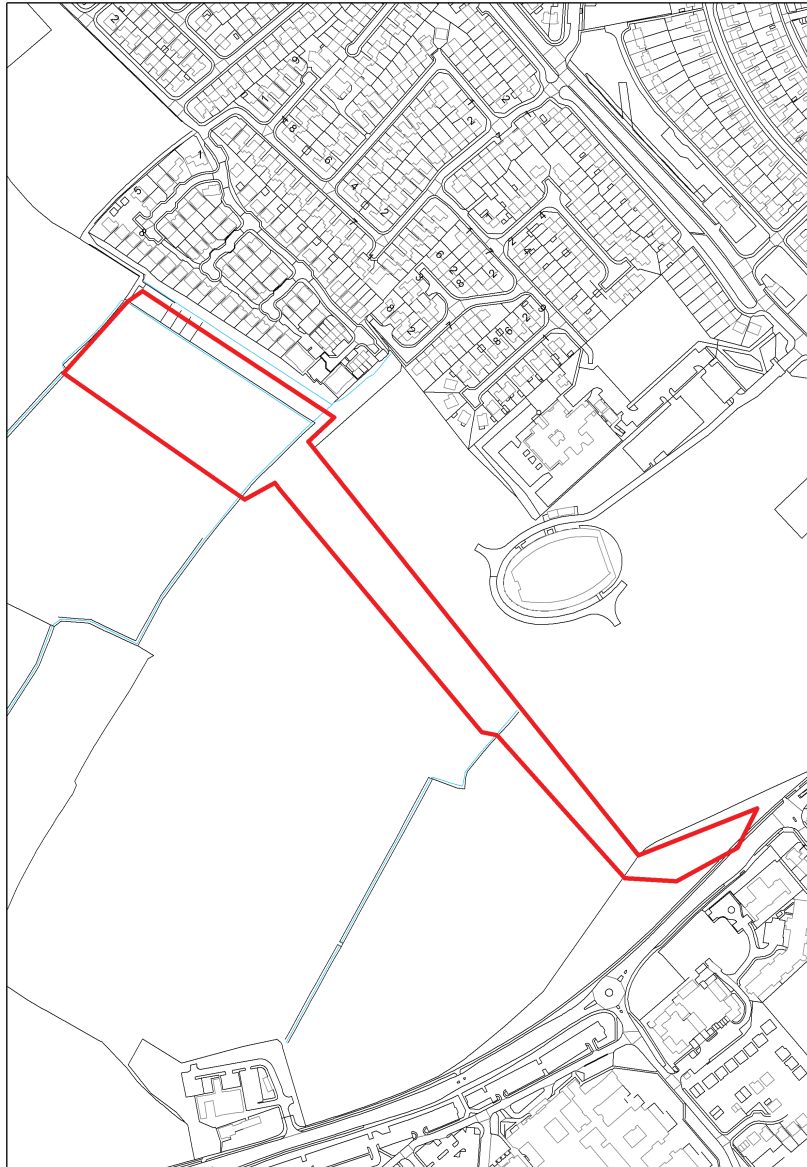
Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

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.

The applicant must ensure that any excavated material to be removed off site to a suitably licensed facility. This should be carried out under a "Duty of Care" system and copies of any consignment notes generated should be submitted to the LPA.



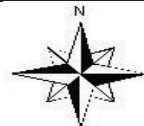
Application reference: 16/01956/FUL

Location: Land To The Rear Of, Briar Vale, Whitley Bay, Tyne And Wear
Proposal: The excavation of a 6500m³ dry storage basin to the south west of the Briar Vale residential area to retain surface water run off from the fields during intense periods of rainfall. Associated works include the construction of a new ditch to link the storage basin to the NWA surface water sewer

Not to scale

Date: 09.02.2017

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Appendix 1 – 16/01956/FUL Item 5

Consultations/representations

1.0 Representations

1.1 Three objections and one letter of support have been received, these are summarised below:

- There needs to be a full consultation with local residents about this project. Whilst it is badly needed to avoid flooding, is there any clarity that this is not part of the Local Plan application? If so, what other work will be undertaken to ensure that the flood basins are adequate - will this proposed development be redundant should the Council get their way and build more housing in our area? There needs to be a far more public consultation on this matter.
- - Without significant modifications to Marden Quarry Park/Nature Reserve and a strictly followed set of maintenance instructions and corresponding actions carried out often enough to ensure the outlet for water from the lake in Marden Quarry is cleared there will be even more flooding of the surroundings to the lake. The boundary of the lake also needs raising to accommodate the additional water flow from the Briar Vale scheme.
- I have been told the structure which currently contains an inoperable penstock weir sluice gate is to be replaced and this should be described/included as part of this planning application. The cost for this work should be included in this project.
- The calculation for the proposed volume of the storage basin should be provided - it is not the same as that given in the document 16_01956_FUL-STORAGE_CALCULATIONS-483381.pdf
- Proposal is a good idea.
- Marden Farm Estate (landowner) wish to put in a holding objection to the proposals.
- No resolution has been agreed between the landowner and Capita/Capita's regarding proposals. The landowner is now extremely aggravated that the application has been submitted without any further discussion or negotiations. Capita had advised that the scheme would not be taken forward unless Marden Farm Estate were agreeable to the proposals. It is completely unacceptable for a public body to provide such assurances and then retract accordingly.

2.0 External Consultees

2.1 Tyne and Wear Archaeology Officer

2.3 The site has previously been opencast, which will have destroyed any buried archaeological remains. No archaeological work is required.

2.4 The Coal Authority

2.5 No objections. An informative should be attached to the decision notice to advise the applicant of their responsibilities.

2.6 Northumbrian Water Limited

2.7 Northumbrian Water are fully supportive of the proposed scheme to provide a sustainable surface water management strategy for the Briar Vale area. We are continuing to work with North Tyneside Council to deliver the scheme and we can confirm that modelling work to establish the available capacity of the receiving

sewer is currently ongoing, and the outcome of this assessment will enable a discharge rate to the sewer to be agreed.

2.8 We can confirm that the downstream element of the surface water strategy, which routes surface water from Marden Quarry to the sea, has been completed by Northumbrian Water. These works will provide a surface water drainage route directly from Briar Vale to the North Sea.

2.9 We recommend that consideration is given to the potential longer term surface water management requirements of the area, which may include the development of the proposed strategic housing site at Murton Gap. Our modelling assessment will consider both existing and potential future surface water management requirements, and we consider that the above proposal should also incorporate measures to accommodate potential future growth in this area.

2.10 In order to agree details of the surface water discharge to the public sewer following the conclusion of the modelling assessment, we would therefore request the following condition:

2.11 **CONDITION:** Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. 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.

3.0 Internal Consultees

3.1 Highway Network Manager

3.2 This application is for the excavation of a 6,500m³ dry storage basin to the south west of the Briar Vale residential area to retain surface water run off from the fields during intense periods of rainfall. Associated works include the construction of a new ditch to link the storage basin to the NWA surface water sewer

3.3 A schematic plan has been produced for this area to highlight the main features of the work. The scheme involves the installation of a dry storage basin with a restricted outlet. Due to the imposed control the basin will store water during an intense period of rainfall.

3.4 A new connection will be made to into the Northumbrian Water surface water sewer that runs down Rake Lane and ultimately into Marden Quarry. This means the diversion of surface water away from the existing outlet which connects onto the combined sewer, reducing the risk of localized sewerage flooding. Once the storm subsides the ponds will empty towards a new ditch and then a section of culvert running parallel with the Monkseaton High School boundary towards Rake Lane and the new outlet connection.

3.5 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 the build up of debris and make sure that these flood protection features remain operational.

3.6 The scheme is a result of co-ordination between North Tyneside Council, the 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.

3.7 The site is accessed via the A191 Rake Lane and conditional approval is recommended.

3.8 Recommendation - Conditional Approval

3.9 Condition:

SIT05 - Construction Method Statement

3.10 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 dvlp

3.11 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.

1.12 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.

3.13 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.

3.14 Environmental Health (Pollution)

3.15 I have no objection in principle to this development but would recommend conditions to address construction dusts and hours. If plant and equipment such as generators, pumps etc are to be used onsite then I will require a noise scheme to control noise emanating from the site. Conditions: HOU04; SIT03; and NOI10.

3.16 Landscape Architect

3.17 The likely effects of the proposed excavation alignment will be to break through three established mature hedgerows, with occasional hedgerow trees

and other ecological features such as open ditch systems, agricultural capable and improved grassland areas.

3.18 I note that having looked through the submitted documents that no Landscape Impact Assessment has been carried out, in relation to the disturbance to existing trees, ditches and hedgerows that these works will present. The applicant will need to provide additional documents to ascertain the extent of disturbance that the works will cause to the existing landscape features (trees and hedgerows). This will include an Arboricultural Impact Assessment (AIA), which should contain a Tree and Hedgerow Protection Method Statement (MS). The document should also contain detail of the type of protection (fencing) measures (and distances) that will be used with regard to the tree, hedgerow and potential suburban (3rd party neighbouring trees).

3.19 Where additional landscape features (trees and hedgerows) will be affected as a result of the access measures required, these elements will also need to be recorded in the above documents. The submitted information should also include a plan detailing the individual (dimensioned or scaled) stand-off distances for the protective fencing.

3.20 Tree, Ditch and Hedgerow (Reinstatement Works):

3.21 Information regarding the replacement tree and hedgerow strategy, including any pruning works and ditch reinstatement works should also be submitted. This should also detail the extent of the pruning works and how the removal of trees and hedgerows will impact and be mitigated by replacement planting.

3.22 All works are to be carried out in accordance with BS3998: 2010 maintaining shape and form. Branches are not to be lopped or topped. Ensure overall shape and form of the tree species is maintained. The work is to include the removal of deadwood, weak, damaged, crossing and overlapping branches but leaving the main branch structure intact.

3.23 Mitigation - Tree and Hedgerow Replacement Planting:

3.24 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 these guidelines. A '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 should also be provided.

3.25 Pathways and Access:

3.26 The applicant should provide information regarding the reinstatement and treatment of all access points, pathways and verges that will be affected on site following the completion of the proposed works.

3.27 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.

3.28 Biodiversity Officer

3.29 This work will primarily impact on arable land but the provision of the flow control pipe connecting the basin to the new ditch and the proposed new surface water culvert, will impact on 3 field boundary hedges. Breeding bird surveys for the Murton site undertaken in 2015 also showed the arable fields in the location of the proposed works, to support ground nesting skylark a national priority species, as well as other species such as dunnock and whitethroat which nest in the hedgerows. There is also an area of scrub (identified as tree group G29) directly adjacent to the location of the proposed storage basin, which may be impacted upon by the works if appropriate mitigation measures are not put into place to protect these trees and their root systems. This group of trees was also identified as an area used by breeding birds such as blackcap and whitethroat.

3.30 The wintering bird survey submitted as supporting information does not cover the area that is to be developed as part of this scheme. However, the information shows that the arable fields and hedgerows within the Murton site generally support a number of red listed and national priority bird species such as grey partridge, skylark, reed bunting, linnet, yellowhammer and tree sparrow.

3.31 Impacts resulting from this scheme include:

- Impacts to breeding birds (ground nesting and tree/hedge nesting)
- Loss of arable land used by ground nesting and wintering birds
- Loss of hedgerow
- Potential impacts to scrub and hedgerow systems adjacent to the site

3.32 The following measures will be required in order to mitigate the impacts of this scheme:-

- Timing of works to avoid the bird nesting season (March-August inclusive)
- Tree and hedgerow protection measures
- Wildflower/damp meadow grassland created within the drainage basin area and along the new ditch- Re-instatement of the proposed surface water culvert area (with meadow grassland/grass margin mix)
- Creation of new hedgerow along the eastern boundary of the ditch/surface water culvert area

3.33 There are no details provided as to how much of the three hedgerow systems will be impacted upon. Details of the extent of hedge removal should be provided prior to works commencing and should be made a condition of the application.

3.34 Conditions:

- Vegetation removal will not take place during the bird nesting season (March-August inclusive) to avoid impacts to breeding birds, in particular, ground nesting birds.
- The extent of hedgerow or tree removal must be submitted to the Local Authority for approval prior to development commencing
- Appropriate tree and hedgerow protection measures must be submitted to the Local Authority for approval prior to development commencing
- A detailed Landscape Strategy must be submitted to the Local Authority for approval prior to works commencing. Measures to be agreed with the Biodiversity Officer should include the creation of wildflower/damp meadow grassland within

the drainage basin and along the new ditch, re-instatement of the proposed surface water culvert area with an appropriate grass margin mix and the creation of new hedgerow along the eastern boundary of the ditch/surface water culvert area.

- Provision of 6 bird nest boxes (including 2 tree sparrow nest boxes) within or adjacent to the site. Details of nest boxes and locations to be agreed with the Councils Biodiversity Officer prior to works commencing.

3.35 Local Lead Flood Authority

3.36 This application is for the excavation of a 6,500m³ dry storage basin to the south west of the Briar Vale residential area to retain surface water run off from the fields during intense periods of rainfall. Associated works include the construction of a new ditch to link the storage basin to the NWA surface water sewer

3.37 A schematic plan has been produced for this area to highlight the main features of the work. The scheme involves the installation of a dry storage basin with a restricted outlet. Due to the imposed control the basin will store water during an intense period of rainfall.

3.38 A new connection will be made to into the Northumbrian Water surface water sewer that runs down Rake Lane and ultimately into Marden Quarry. This means the diversion of surface water away from the existing outlet which connects onto the combined sewer, reducing the risk of localized sewerage flooding. Once the storm subsides the ponds will empty towards a new ditch and then a section of culvert running parallel with the Monkseaton High School boundary towards Rake Lane and the new outlet connection.

3.39 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 the build up of debris and make sure that these flood protection features remain operational.

3.40 The scheme is a result of co-ordination between North Tyneside Council, the 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. Conditional approval is recommended

3.41 Condition:

Notwithstanding the details submitted, a programme for maintenance of the proposed 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

3.42 Contaminated Land Officer

3.43 I have received verbal confirmation from Capita that the excavated material is to be removed off site to a suitably licensed facility. This should be carried out under a "Duty of Care" system and copies of any consignment notes generated should be submitted to the LPA.