

Item No: 5.2
Application No: 16/01952/OUT Author: Aidan Dobinson Booth
Date valid: 9 December 2016 ☎: 0191 643 6333
Target decision date: 10 March 2017 Ward: Valley

Application type: outline planning application

Location: Land West Of Station Rd Backworth South Of Backworth Hall North Of A191 East Of, A19 Trunk Road, Backworth, Newcastle Upon Tyne,

Proposal: Outline planning permission with all matters reserved for the development of approximately 53 residential dwellings including 25% affordable housing with associated infrastructure

Applicant: The Northumberland Estates, FAO Mr Barry Spall Estates Office Alnwick Castle Alnwick Northumberland NE66 1NQ

RECOMMENDATION: Minded to grant on expiry consultation

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Main Issues

1.1 The main issues for Members to consider are;

- whether the principle of residential development is acceptable on this site;
- The impact of the proposal on the character and appearance of the surrounding area.
- The impact upon neighbours living conditions with particular regard to outlook and privacy
- whether sufficient parking and access would be provided.

1.2 Planning law requires that application 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 materials considerations in reaching their decision.

2. Description of the Site

2.1 The application site is rough grazing land not currently in use. It has large pylons running north to south along the length of the site. Currently there are some top soil mounds stored on the site. The site is mainly level although it rises towards A186. The Pavilion public house is to the north and metro line to the south.

3. Description of the Proposed Development

3.1 This application seeks outline planning permission with all matters reserved for the development of approximately 53 residential dwellings including 25% affordable housing with associated infrastructure.

4. Relevant Planning History

03/03238/OUT - New Office Block (B1) 300,000 square feet with associated car parking. Construction of a new access to a highway.
Permitted 29.11.04.

07/00895/FUL - New electricity sub-station for new Sir John Fitzgerald pub and restaurant at hotspur business park
10.05.07

13/00781/OUT - Outline planning permission for the construction of 590 residential dwellings (including affordable housing), new primary school building and separate building for the local community with all matters reserved except access.
Permitted 22.11.13

14/01930/FUL - Variation of conditions 5, 7, 8, 11, 12, 14 - 26, 28 - 33, 41 - 46, 49 and 50 of planning application 13/00781/OUT: To enable development to be implemented in accordance with an agreed phasing plan.
Permitted 02.04.15

15/00434/REM - Application for reserved matters relating to outline permission 14/01930/FUL: Construction of link road (Layout) (amended description 16.04.15)
Permitted 05.08.15.

15/00514/REM – Application for reserved matters relating to outline permission 14/01930/FUL: Details of layout, scale, landscaping and appearance of 200 residential dwellings (Phase B) (Amended Plans Received 15.07.15)
Approved 05.08.15.

15/00543/REM - Application for reserved matters relating to outline permission 14/01930/FUL: Details of layout, scale, landscaping and appearance for 180 residential dwellings (Phase A) (Amended Landscape Details, Scrape and Swale Details 20.07.15). (Amended Layout Plans Received 21.07.15).
Approved 05.08.15.

5. Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002).
Direction from Secretary of State under paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP.

6. 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. Main Issues

7.1 The main issue for Members to consider in this case are;

- whether the principle of residential development is acceptable on this site;
- The impact of the proposal on the character and appearance of the site and the surrounding area;

The impact upon neighbours living conditions with particular regard to outlook and privacy; and

- Whether sufficient parking and access would be provided.

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

7.3 Principle

7.4 The site is allocated for employment use according to policy LE1/1[5] of the UDP. It was part of a much larger employment allocation, which was never built. The emerging Local Plan allocates the majority of the former allocated employment site for housing, although this site is not part of that designation. This site is not allocated in the emerging Local Plan, but it is within the A19 Economic Corridor and therefore policy AS2.6 is relevant.

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

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 local planning 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 of land. Where there has been persistent under delivery, the buffer should be increased to 20%.

7.8 The site is Greenfield according to the definition of NPPF. UDP policy H5 states that proposals for housing 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. The proposal is not on a previously developed site, although it is within

the existing urban area. However policy H5 is not consistent with NPPF, which only seeks encourage the use of brownfield land, it is not a requirement.

7.9 The development plan is out of date. The North Tyneside Unitary Development Plan was adopted in March 2002 over 15 years ago. The plan period ran until 2006 and we are now significantly (11 years beyond this). Following the advice in paragraph 14 of NPPF it states that where the development plan is out of date, the presumption is that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits.

7.10 In terms of the emerging Local Plan, the site is within the A19 Economic Corridor. Policy AS2.6 seeks to promote and support further development and investment in employment activities in the A19 economic corridor. This site is not allocated for employment use in terms of the emerging Local Plan and therefore this proposal would not be contrary to policy AS2.6.

7.11 North Tyneside Council Housing Land Supply

7.12 Following submission of the emerging Local Plan in June 2016, an independent Planning Inspector held hearings as part of an Examination in Public during November and December of 2016. This has been following by consultation on Main Modifications to the Local Plan, for which the consultation period closed on Wednesday March 8th 2017.

7.13 One of the proposed Main Modifications to the Local Plan recently consulted upon alters the housing requirement for North Tyneside and the calculation of the Borough's Five Year Land Supply. These changes have been undertaken in accordance with advice provided by the independent Planning Inspector for the emerging Local Plan. The Council has received objection from elements of the house building industry including the Home Builders Federation to the Main Modifications in relation to the assessment of housing land supply. These objections will require review by the Council and will be forwarded to the Planning Inspector for his final consideration.

7.14 However, following conclusion of this consultation the most up to date assessment of housing land supply, informed by the December 2016 SHLAA Addendum identifies the total potential 5-year housing land supply in the borough at 5,174 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 5.56 year supply of housing land).

7.15 It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the emerging Local Plan. The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 5.56 year supply of housing land. However, North Tyneside Council remains dependent upon approval of further planning permissions to maintain its housing land supply and achieved the level of delivery anticipated.

7.16 Although the Council can demonstrate a five year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions

that add to the supply of housing can be granted which add to the choice and range of housing. Paragraph 49 of NPPF makes it clear that housing applications should be considered in the presumption in favour of sustainable development. Therefore the issue for Members is whether this development is sustainable? If it is then it follows that planning permission should be granted, unless the impacts significantly and demonstrably outweigh the benefits.

7.17 Contamination

7.18 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.

7.19 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 its lowest practicable levels.

7.20 The applicant has submitted a Phase 1 Contaminated Land Assessment. This states that the only potentially significant contamination sources associated with the site are therefore its use for mining, and the adjacent land which was used for railways. Any impact from railway activity, if present is likely to be highly localised areas of the site at its eastern and southern boundary. The Contaminated Land Assessment recommends further investigations and this can be controlled by conditions.

7.21 The application site is also located within a Coal Mining Referral Area. The applicant has submitted a Coal Mining Risk Assessment which concludes that all potential risks associated with mining at the site can be mitigated through the use of traditional methods to make the site safe for surface development. The Coal Authority have been consulted and their comments are awaited.

7.22 Biodiversity

7.23 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.

7.24 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 of biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity where possible, contribution to the Government's commitment to halt the overall decline in biodiversity.

7.25 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 a development cannot be avoided or at least compensated for, then planning permission should be refused.

7.26 The applicant has submitted an Ecological Assessment. This concludes that there were no signs of badgers, no nesting opportunities for bats and the majority of the site is assessed as having very limited potential for supporting breeding birds. No other protected or notable species were recorded within the site during the Phase 1 habitat survey.

7.27 The Council's Biodiversity Officer has been consulted and her comments are awaited.

7.28 It is considered that the proposal would not result in significant harm to biodiversity and subject to conditions, it is considered that the proposal would accord with the advice in NPPF.

7.29 Archaeology

7.30 Paragraph 141 of NPPF states that heritage assets are an irreplaceable resource and therefore they should be conserved in a manner appropriate to its significance.

7.31 Policy E19/6 of the UDP states that where assessment and evaluation have established that the proposed development will affect a site of archaeological interest, the applicant will be required to preserve or carry out a programme of archaeological works.

7.32 The applicant has submitted an archaeological desk based assessment. This states that there is no archaeological resource which requires preservation in situ. There is no direct evidence of pre-historic or Roman activity within the study area, but the presence of activity in the surrounding vicinity indicates that an as yet unidentified resource has the potential to exist.

7.33 The area lies beyond the edge of the medieval village of Backworth and it is possible that the area was utilised in the medieval and post medieval period as agricultural land.

7.34 The High Main Coal seam outcrops the southern end of the site. This seam is known to have been worked in this area from the 17th century onwards. However, any evidence for this mining will have been removed when this part of the site was opencast coal mined in 1989.

7.35 The Tyne and Wear Archaeology Officer has been consulted and states that no archaeological work is required because this part of the site has previously been subject to opencast mining, which will have destroyed any archaeological remains.

7.36 Flooding

7.37 The National Planning Policy Framework states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding

where, informed by a site-specific flood risk assessment following the Sequential Test.

7.38 The applicant has submitted a Flood Risk Assessment which states that the site is in Flood Zone 1 (the lowest risk). All potential sources of flooding have been assessed and in conclusion the proposed development site is at low risk of flooding.

7.39 The Council as Local Lead Flood Authority has been consulted and states that there are no objections to the surface water drainage proposals. The revised surface water drainage design will attenuate the surface water within their site via a box culvert and flow control mechanism, which will restrict the surface discharge rate to the equivalent greenfield run-off rate of 5.6l/s before it discharges into the Brierdene Burn Tributary which then discharges to the existing balancing pond downstream.

7.40 Subject to conditions, it is considered that the proposal would accord with the flooding advice in NPPF.

7.41 Sustainability

7.42 There are three threads of sustainability outline in NPPF, these being environmental, economic and social.

7.43 There would be some limited harm through the building on a Greenfield site and loss of trees. However the site is within the existing urban area.

7.44 Economically there would be benefits in the provision of jobs associated with the development of the site.

7.45 There would also be social benefits associated with the proposal through the provision of 25% on-site affordable housing.

7.46 Taking all of these matters into account, it is officer advice that in terms of the NPPF as a whole the site is sustainable. This is an application for housing and therefore following the advice in paragraph 49 of NPPF, it follows that it should be considered in the presumption in favour of sustainable development. Planning permission should therefore be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

7.47 Members need to consider whether the principle of residential is acceptable on this site. It is officer advice that it is. The proposal would accord with the advice in NPPF. The proposal would develop an area that previously according to the UDP was allocated for employment. It was part of a much larger employment allocation, which is currently being developed for housing. The proposal would conflict also with policy H5 of the UDP, however this policy is not fully consistent with NPPF and therefore cannot be given full weight.

7.48 Character and appearance

7.49 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.

7.50 The proposal seeks outline planning permission for 53 dwelling, which would result in a density of approximately 41 dwellings per hectare.

7.51 Policy H12 of the UDP states that housing development will be expected to make the most efficient use of land usually having a net density of between 30 to 50 dwellings per hectare. However, this policy was a reflection of the previous national planning policy of Planning Policy Guidance (PPG) Note:3 'Housing,' which sought to develop housing at higher densities, but was cancelled in 2012. 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.

7.52 The proposal would be a medium density and it is officer advice that it is considered to be appropriate.

7.53 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.

7.54 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, design, scale, massing, construction, landscaping and materials.

7.55 Policy DCPS No:14 sets out the material planning criteria to be taken into account when considering individual proposals and sets out the recommended privacy distances between dwellings to provide privacy and outlook of 21m from the front and back to back. Back to gable is 12m for two storey dwellings.

7.56 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 generated. It also states that all new buildings should be proportioned to have well-balanced and attractive external appearance.

7.57 The Council's Building for Life Officer states that the indicative layout shows that the site can comfortably accommodate 53 residential units. The scheme provides a logical layout with a central estate road with housing arranged either side. There would be cul-de-sacs at either end of the site.

7.58 The Police Architectural Liaison Officer states that he can see allot of positive elements i.e. back to back gardens, units overlooking the road system giving good surveillance.

7.59 The applicant has submitted an Arboricultural Impact Assessment. This states that it will be necessary to remove some of the existing trees to facilitate the propose development. Trees 1-6 and hedgerows 1-2 will need to be removed. The trees and hedgerows are category B and C. There are no category A (the highest) trees on

site. Although the proposal would involve the loss of trees the indicative proposed site layout does provide opportunity for additional planting to provide mitigation. Landscaping is a reserve matter and therefore this can be dealt with in detail at the reserve matters stage.

7.60 Members need to determine whether the proposed development would be acceptable in terms of its character and appearance upon the site and on the surrounding area and whether the proposal would accord with policies E14, H11 and DCPS No. 14 and weigh this in their decision.

7.61 Impact upon Neighbours

7.62 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.

7.63 Policy H11 states that in determining applications for residential development, the local planning authority will take into account the impact of the proposal on its site, local amenity, the environment and adjoin land uses.

7.64 The neighbours most likely to be directly affected are those of the new housing to the west and to existing housing on the eastern side of the A186. For those new dwellings to the west it is considered that the layout is such that it would ensure an adequate separation. For those neighbours to the east on the eastern side of the A186 it is also considered that the proposal would not have an adverse impact. There would be a separation of approximately 69m back to back.

7.65 Members need to consider whether the proposal would have an acceptable impact in terms of neighbours and whether it would accord with the advice in NPPF and policy H11. It is officer advice that it would.

7.66 Car Parking and Access

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

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

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

7.70 Policy H11 requires proposals for residential development to take into account the provision made for parking, access, pedestrian and vehicle circulation.

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

7.72 Policy T8 seeks to encourage cycling by amongst other matters ensuring cyclists needs are considered as part of new development and where appropriate require that facilities including parking are provided to satisfy operational requirements and standards.

7.73 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.

7.74 Policy T11 states that car parking requirements will be kept to the minimum commensurate with location, operational needs, the need to encourage alternative forms of transport and the need to protect environmental quality.

7.75 The Highway Network Manager states that the site is located to the south of the Pavilion pub off on an existing access to the A186 Rotary Road (Shiremoor Bypass). Whilst all matters are reserved, an indicative layout has been provided with a main access from the existing internal roundabout that serves the Pavilion and new development sites and road, footpath and cycle links are already in place as part of the existing highway infrastructure.

7.76 A Transport Statement (TS) has been submitted which demonstrates that the affects of traffic on the local network will not be severe particularly given the amount of improvements proposed as part of the approved site. The site also has good links with public transport.

7.77 A Framework Travel Plan (TP) was also submitted which aims to reduce the amount of trips associated with the site and this TP will be developed in the future. The Highway Network Manager considers it appropriate to require a Travel Plan Bond in line with the Bonds already agreed on the other two sites in this area.

7.78 Parking provision and detailed layout will be considered as part of any reserve matters application and a condition is recommended to secure this. The Highway Network Manager concludes by recommending conditional approval.

7.79 Members need to consider whether the proposed car parking and access arrangements are acceptable, whether the proposal would accord with the advice in NPPF and policies T8, T9, T11, and LDD12 and weight this in their decision.

7.80 Other Matters

7.81 S106 Contributions

7.82 NPPF states that pursuing development requires careful attention to viability. To ensure viability, the costs of any requirements likely to be applied to developments 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 complete returns to a willing land owner and willing developer to enable the development to be deliverable.

7.83 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 related to the development; and
- Fairly and reasonably relates in scale and kind to the development.

7.84 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 the necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve a high quality environment where people, choose to live, work, learn and play.

7.85 The SPD also states 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 appropriate procedure to address this. However, the SPD states that the Council will take a robust stance in relation to the requirements for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

7.86 The applicant has offered the following contributions that have been sought by the Council;

25% affordable housing on site;

£95,000 - Secondary Education to provide additional capacity at George Stephenson

£10,335 - Strategic Semi Natural Greenspace for Silverlink Park and waggonway for biodiversity improvements and enhancements;

£17,994 - Children's equipped play space to be used on the Backworth Park housing site;

£12,000 - Framework Travel Plan Bond.

7.87 These contributions are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore comply with the CIL Regulations.

7.88 Local Financial Considerations

7.89 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

7.90 The proposal involves the creation of 200 new dwellings. The Government pays New Homes Bonus to local authorities to assist them in costs associated with housing growth and payments were first received in the financial year of 2011/12. These payments are based on net additions 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 planning permission for new dwellings therefore increased the amount of New Homes Bonus, which the Council will potentially receive.

7.91 As the system currently stands, for North Tyneside for the new increase in dwellings built 2016/17, the council will receive funding for six years. However, The Secretary of State has confirmed that in 2017/18 New Homes Bonus payments will be made for five rather than six years and that the payment period will be reduced again for the years 2018/19.

7.92 In addition, the new homes will bring additional revenue in terms of Council Tax.

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

7.94 Conclusion

7.95 The site is allocated for employment use according to policy LE1/1(5) of the UDP. It was part of a much larger allocation that was never built. The site is not designated as employment land according to the emerging Local Plan.

7.96 The UDP plan period expired in 2006 and we are now significantly beyond this.

7.97 Although the Council does now have a 5-year supply of deliverable housing land, this is a minimum and not a maximum. Local planning authorities can grant further permissions that add to the choice and range of housing, the issue is whether it is sustainable? This is a housing application and therefore should be considered in the presumption in favour of sustainable development. It follows therefore that providing the site is sustainable and it is officer advice that it is, that unless the impact of the development significantly and demonstrably outweigh the benefits that planning permission should be granted.

7.98 The provision of affordable housing is a matter which weights significantly in the balance in favour of the proposals.

7.99 This proposal would accord with the NPPF in terms of Flood Risk.

7.100 This proposal would accord with the NPPF in terms of Biodiversity.

7.101 Taken overall, the proposals accord with the NPPF to the extent that they can be regarded as being sustainable.

7.102 Highways and traffic impacts would be acceptable and not severe.

7.103 It is Officer advice that, subject to a Section 106 Legal Agreement, the imposition of appropriate conditions and no objections from the Biodiversity Officer, Contaminated Land Officer or The Coal Authority, the proposed development is acceptable.

RECOMMENDATION: Minded to grant on expiry consultation

It is recommended that members indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and

Country Planning Act 1990 and the omission, or amendment of any other conditions necessary once the consultation period has expired on 28th April 2017. This is subject to the comments of The Coal Authority, the Manager of Environmental Health (Contaminated Land Officer) and the Biodiversity Officer, not raising any issues which in the opinion of the Head of Environment, Housing and Leisure justify reconsideration by Planning Committee.

Members are also recommended to grant plenary powers to the Head of Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;

- 25% affordable housing on site;**
- £95,000 - Secondary Education to provide additional capacity at George Stephenson**
- £10,335 - Strategic Semi Natural Greenspace for Silverlink Park and waggonway for biodiversity improvements and enhancements**
- £17,994 - Children's equipped play space to be used on the Backworth Park housing site;**
- £12,000 - Framework Travel Plan Bond.**

Conditions/Reasons

1. Unless otherwise required by these conditions, the development hereby permitted shall be carried out in accordance with the Dwg. No SD.10.03 [indicative colour layout], Design and Access Statement produced by POD dated December 2016 and in accordance with Dwg. No. SD.00.01 [location plan] and Flood Risk Assessment and Drainage Strategy dated November 2016.

Reason: To ensure that the development is carried out in accordance with the approved plans.

2. Approval of Detail Reserved Matters OUT MAN03 *

3. Standard Time Limit 3 yr Res Matters OUT MAN05 *

4. The development hereby permitted shall include no more than 53 dwellings.

Reason: More dwellings would result in a denser form of development which would adversely affect the character and appearance of the surrounding area contrary to the advice in National Planning Policy Framework.

5. None of the dwellings hereby permitted shall be constructed above damp proof course level until a schedule and samples of all surfacing materials and finished have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory appearance having regard to policy H11 of the North Tyneside UDP 2002.

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|----|--|-------|----------------------|
| 6. | House Est Layout Adopt Roads No Occ
OUT | ACC01 | *2
*T6 |
| 7. | New Acces Access Before Devel OUT | ACC08 | *T6 |
| 8. | Exist Access Closure By OUT | ACC16 | *6
*2
*T6 |
| 9. | Turning Areas Laid Out Before Occ OUT | ACC24 | *refuse
*2
*T6 |

10. No dwelling hereby permitted shall be constructed above damp proof course until details of traffic calming measures to 20mph have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To enable the Local Planning Authority to retain control over the provision of traffic calming to secure a satisfactory standard of development and in the interests of highway and pedestrian safety having regard to policy T6 of the North Tyneside Unitary Development Plan 2002.

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|-----|----------------------------------|-------|------------|
| 11. | Surface Water Drainage OUT | DRN01 | *2
*H11 |
| 12. | Veh Parking Garaging Loading OUT | PAR03 | *2
*T11 |

13. No dwelling hereby permitted shall be constructed above damp proof course 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 H11 of the North Tyneside Unitary Development Plan 2002.

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|-----|---------------------------------------|-------|-----|
| 14. | Construction Method Statement - Major | SIT07 | *T6 |
| 15. | Wheel Wash | SIT08 | * |

16. No dwelling hereby permitted shall be constructed above damp proof course level until a scheme for the provision of secure undercover cycle storage for residential use has been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before that dwelling is first occupied.

Reason: To ensure sufficient cycle parking is provided in accordance with policy T8 of the North Tyneside Unitary Development Plan 2002.

17. No dwelling hereby permitted shall be constructed above damp proof course level until a scheme to provide visibility splays of 2.4m by 33m on internal junctions has been submitted to and approved in writing. Thereafter this scheme shall be implemented in accordance with the approved details prior to any of the dwellings hereby permitted being first occupied.

Reason: In the interests of highway safety in accordance with policy T6 of the North Tyneside Unitary Development Plan 2002.

18. No dwelling hereby permitted shall be constructed above damp proof course until details of a revised Travel Plan taking into account the new development has been submitted to and approved in writing by the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

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

19. No dwelling hereby permitted shall be constructed above damp proof course 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 in accordance with policy T9 of the North Tyneside Unitary Development Plan 2002.

20. Notwithstanding the details submitted the development shall not begin until full details of the proposed alterations (i.e. closure and diversions) to the existing public rights of way network have been submitted to and approved in writing by the Local Planning Authority.

Reason: This condition needs to be pre-commencement in order to minimise danger, obstruction and inconvenience to users of the public rights of way network.

21. No dwelling shall be constructed above damp proof course level until details of the surface water management scheme have been submitted to and approved in writing by 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 surface water management in accordance with the advice in NPPF.

22. Landscape Scheme Required OUT LAN02 *2

23. Landscape Scheme Implementation LAN06 *H11

Period

24. Protection of Trees During Construction LAN10 *H11
25. Contaminated Land Investigation Housing CON01 *
26. Gas Investigate no Development GAS06 *

27. Prior to any of the dwelling hereby permitted being constructed above damp proof course the applicant shall submit details specifying how they intend to offer opportunities to local unemployed people. This shall include details for securing an opportunity for 1 apprenticeship and shall be agreed in writing by the local planning authority. Thereafter, it shall be implemented in accordance with the agreed details.

Reason: To enable the Council to be put forward local eligible unemployed people with a view to securing work and training opportunities encourage employment in accordance with policy LE1 of the North Tyneside Unitary Development Plan 2002.

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

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

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

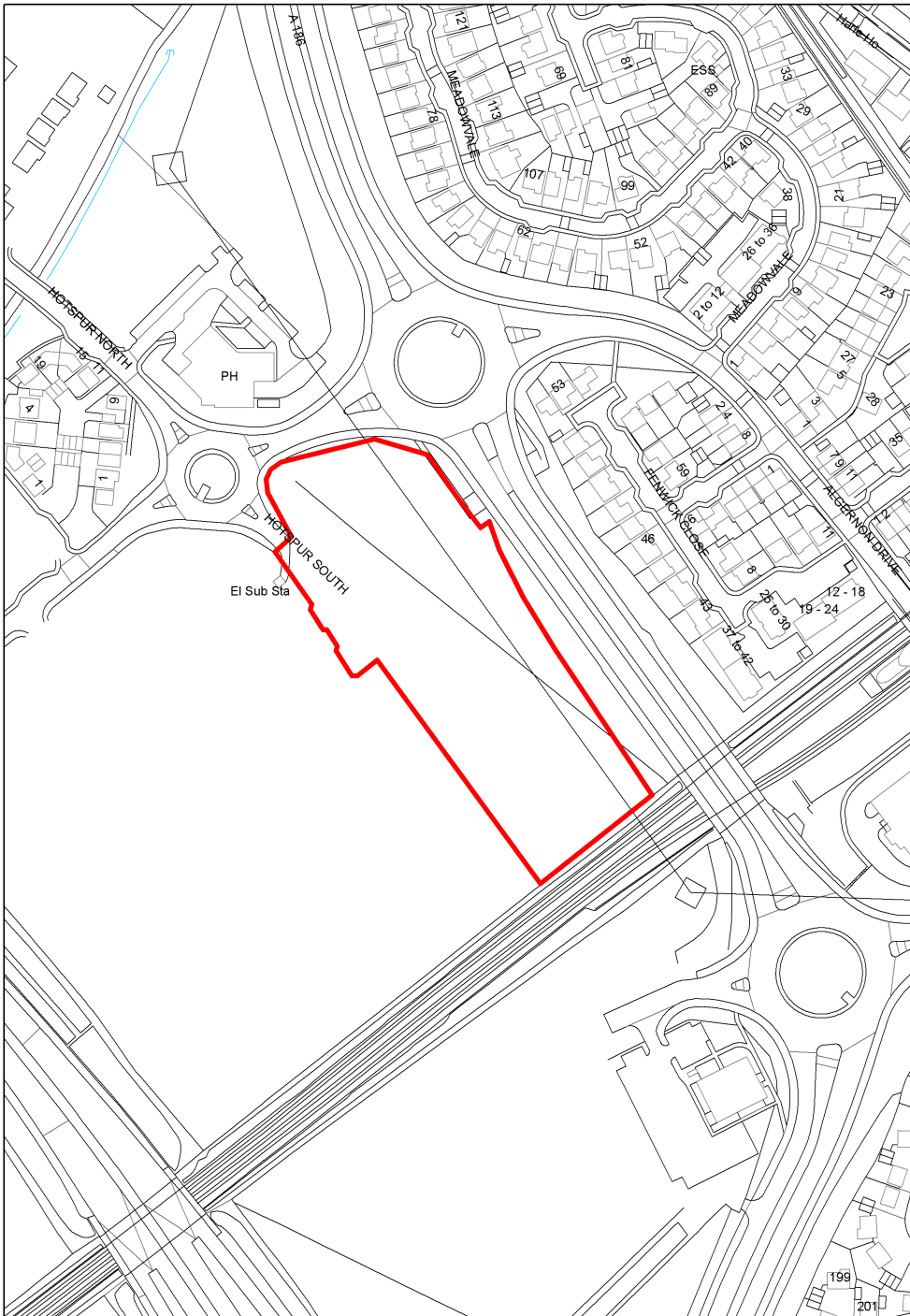
Coal Mining Standing Advice (FUL,OUT) (I44)

The site abuts the adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Highway Network Management Team: streetworks@northtyneside.gov.uk (0191 643 6131 to obtain a temporary footpath closure.

Free and full access to the Public Rights 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 the works and upon 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 surrounding Public Rights of Way Network.



Application reference: 16/01952/OUT

Location: Land West Of Station Rd Backworth South Of Backworth Hall North Of A191 East Of, A19 Trunk Road, Backworth, Newcastle Upon Tyne
Proposal: Outline planning permission with all matters reserved for the development of approximately 53 residential dwellings including 25% affordable housing with associated infrastructure

Not to scale

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N
A

Date:	12.04.2017	Ordnance Survey Licence Number 0100016801	
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Appendix 1 – 16/01952/OUT Item 2

Consultations/representations

Internal Consultees

1. Highway Network Manager

1.1 This is an outline application with all matters reserved for the development of approximately 53 residential dwellings including 25% affordable housing with associated infrastructure. The site is located to the south of the Pavilion pub off an existing access to the A186 Rotary Road (Shiremoor Bypass). There were two previous residential outline applications to the north of the site along with associated reserved matters, variations of conditions etc. and an outline application for mixed use commercial to the south. These applications are set out below:

1.2 13/00781/OUT:

Outline planning permission for the construction of 590 residential dwellings (including affordable housing), new primary school building and separate building for the local community with all matters reserved except access

1.3 14/01687/OUT:

Erection of around 290 dwellings (including affordable homes), 232sqm of commercial space, allotments, public open space, access to an existing highway, car parking, landscaping and associated works

1.4 15/01146/OUT:

Proposed retail development (Class A1), food and drink unit (Class A3) and petrol station (Sui Generis) with associated access, parking, service area and landscaping

Offsite highway mitigation associated with these applications included:

- Dual carriageway on A191 Holystone Bypass
- Improvements to Holystone Interchange & approaches
- Crossing points on A186 Rotary Road (Shiremoor Bypass)
- Improved bus facilities
- Improved cycle parking at Northumberland Park Metro Station
- Improvements to Public Right of Way Network
- Funding of a bus route through the sites

1.6 In addition Travel Plan (TP) Bonds have been secured via a S106 Agreement for the following amounts:

- £132,000 (13/00781/OUT - 590 dwellings)
- £65,000 (14/01687/OUT - 290 dwellings)
- £50,000 (15/01146/OUT - commercial)

1.7 Whilst all matters are reserved, an indicative layout has been provided with a main access from the existing internal roundabout that serves the pavilion and new development sites and road, footpath & cycle links are already in place as part of the existing highway infrastructure.

1.8 A Transport Statement (TS) was submitted as part of the application, which has demonstrated that the affects of traffic on the local network will not be severe particularly given the amount of improvements proposed as part of the approved sites. The site also site has good links with public transport.

1.9 A Framework Travel Plan (TP) was also submitted which aims to reduce the amount of trips associated with the site and this TP will be developed in the future. It is considered appropriate to include a Travel Plan Bond in line with the Bonds already agreed on the previous two sites. Based on a maximum of 53 dwellings, this Bond will be for the sum of £12,000.

1.10 Parking provision, detailed layout etc. will be looked at as part of any reserved matters application and a condition is included to cover this.

1.11 For the reasons outlined above, conditional approval is recommended.

1.12 Recommendation - Conditional Approval

1.13 The applicant will be required to enter into a Section 106 Agreement for a Travel Plan Bond for the sum of £12,000

1.14 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)

PAR03 - Veh: Parking, Garaging, Loading (OUT)

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Management

SIT08 - Wheel Wash

1.5 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.

1.6 No development shall commence until a car park management strategy for the site has be submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the site and in the interests of highway safety.

1.7 No development shall commence until a scheme for the provision of secure undercover cycle storage for residential use 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 the development is occupied.

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings.

1.8 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.

1.9 No development shall commence until a revised Travel Plan taking into account the new development has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

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

1.10 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.

1.11 No development shall commence until details of improved sustainable links to the site have been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of highway safety.

1.12 Notwithstanding the details submitted the development shall not begin until full details of the proposed alterations (i.e. closure and diversions) to the existing public rights of way network have been submitted and approved in writing by the Local Planning Authority.

Reason: In order to minimise danger, obstruction and inconvenience to users of the public rights of way network.

1.13 No development shall commence until a scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety

1.14 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering
I46 - Highway Inspection before dvlpt

1.15 The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure.

1.16 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. Local Lead Flood Authority

2.1 There are no objections to the surface water drainage proposals. The revised surface water drainage design will attenuate the surface water within their site via a box culvert and flow control mechanism which will restrict the surface discharge rate to the equivalent greenfield run-off rate of 5.6l/s before it discharges into the Brierdene Burn Tributary which then discharges to the existing balancing pond downstream. For these reasons, conditional approval is recommended.

2.2 Recommendation - Conditional Approval

2.3 Condition:

No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management

3. Design Officer

3.1 The indicative layout for the outline planning application shows that the site can comfortably accommodate 53 residential units. The reserved matters application should demonstrate how the detailed design will sit in context with the wider site. I would expect there to be a pedestrian link to the east and a landscaped buffer along the A186 to both avoid an unattractive view of boundary fences and to mitigate against the loss of hedgerows and trees on the site. The indicative masterplan does not sufficiently address this.

4. County Archaeologist

4.1 No archaeological work is required because this part of the site has previously been subject to opencast mining, which will have destroyed any archaeological remains.

External Consultees

5. Northumbrian Water

5.1 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment and Drainage Strategy*". In this document it states that foul flows from the proposed development will discharge to the adjacent foul network that has been designed to accommodate flows from this site, whilst surface water will discharge to the adjacent surface water network which discharges to an attenuation pond and watercourse.

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

5.3 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.

6. Northumberland County Council

6.1 No objections.

7. Police Architectural Liaison Officer

7.1 On looking at the proposed layout I can see a lot of positive elements i.e. Back to back gardens where possible, units located overlooking the road system and giving good surveillance over other properties and in curtilage parking to most units.

7.2 I appreciate that this is an outline application and detail is limited however, I have noted from the D&A documents that there is a reference to "Safer Places" and its connection to crime prevention but that document has been superseded and is no longer referred to in crime prevention circles (it is currently being re written as "Safer Places Lite" by Police Crime Prevention Initiatives and will be a much smaller document outlining the 7 principles of crime prevention).

7.3 I would recommend that before a Full application is submitted the applicant consider the security of the properties themselves and gives consideration to the police approved security scheme Secured by Design (SBD). Details of this can be found at www.securedbydesign.com and following the links to the design guides or by contacting myself. By adopting this scheme and its specifications it will go a long way to achieving a safe and secure development for residents and visitors alike.

Representations

None.

