



**North Tyneside Council**

# Planning Committee

8 September 2017

To be held on **Tuesday 19 September 2017** in Room 0.02, Ground Floor, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY commencing at 10.00am.

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for absence</b>	
To receive apologies for absence from the meeting.	
<b>2. Appointment of substitutes</b>	
To be informed of the appointment of any substitute members for the meeting.	
<b>3. To receive any declarations of interest</b>	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
<b>4. Minutes</b>	<b>3</b>
To confirm the minutes of the meeting held on 29 August 2017.	

Continued overleaf

Members of the public are welcome to attend this meeting and receive information about it.

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For further information please call 0191 643 5359.

5.	<b>Planning officer reports</b>	7
	To give consideration to the planning applications contained in the above report relating to:	
5.1	16/01885/FUL Land to the West of Station Road North and Land South of East Benton Farm Cottages, Station Road North Wallsend. (Northumberland Ward)	12
5.2	17/00900/REM Site of Former Avenue Hotel, Park Avenue, Whitley Bay (Whitley Bay Ward)	117

**Members of the Planning Committee:**

Councillor Anne Arkle	Councillor Wendy Lott
Councillor Karen Bolger	Councillor Gary Madden
Councillor Pamela Brooks	Councillor Paul Mason
Councillor Sandra Graham	Councillor David McGarr
Councillor Muriel Green	Councillor David McMeekan(Deputy Chair)
Councillor Ed Hodson	Councillor Alan Percy
Councillor John Hunter	Councillor Alison Waggott-Fairley
Councillor Frank Lott (Chair)	

## **Planning Committee**

**29 August 2017**

Present: Councillor F Lott (Chair)  
Councillors A Arkle, S Graham, M A Green,  
E Hodson, Janet Hunter, W Lott, G Madden,  
P Mason, D McMeekan, J O'Shea and  
A Waggott-Fairley.

### **PQ11/09/17 Apologies**

Apologies for absence were received from Councillor K Bolger.

### **PQ12/09/17 Substitute Members**

Pursuant to the Council's Constitution the appointment of the following substitute member was reported:

Councillor J O'Shea for Councillor K Bolger.

### **PQ13/09/17 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **PQ14/09/17 Minutes**

**Resolved** that the minutes of the meeting held on 18 July 2017 be confirmed as a correct record and signed by the Chair.

### **PQ15/09/17 Planning Officer's Reports**

**Resolved** that (1) permission to develop pursuant to the General Development Provisions of the Town and Country Planning Act 1990 and the Orders made thereunder, be granted for such class or classes of development or for such limited purpose or purposes as are specified, or not granted as the case may be, in accordance with the decisions indicated below; and  
(2) any approval granted for a limited period be subject to the usual conditions relating to the restoration of land, removal of buildings and discontinuance of temporary use.

Application No: **17/00606/REM** Ward: Valley  
Application Type: Approval of Reserved Matters  
Location: Land North and East of Holystone Roundabout, Rotary Road,  
Backworth  
Proposal: Reserved Matters application of 15/01146/OUT for the first phase of  
development, consisting: Proposed 1,819sqm gross (1,254 sqm net)  
discount food store; 197 sqm gross cafe and drive thru; with associated  
access, car parking, service area and landscaping, along with  
infrastructure works (including construction of sub-station) (additional  
information relating to Coal 12.07.17) (amended plans received  
09.08.17)  
Applicant: Northumberland Estates

The committee gave consideration to a report of the planning officers in relation to the application, together with an addendum circulated prior to the meeting.

Members of the committee then asked questions of officers and made comments. In doing so the committee sought clarification in relation to:

- a) the proposed improvements to sustainable transport links to and from the site arising from the transport assessment submitted as part of the earlier outline application; and
- b) the effect of conditions restricting the delivery hours and opening hours of the café, drive thru and discount food store.

### **Decision**

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application following expiry of the consultation period, providing no further matters arise from the receipt of any additional comments, including any from the Biodiversity Officer, which, in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered and justify reconsideration by the committee.

(The committee was minded to approve the application subject to the conditions set out in the planning officer's report and the addition or omission of any other conditions considered necessary, as the development was considered to be acceptable in terms of its layout, scale, appearance and landscaping in accordance with the relevant policies contained within the National Planning Policy Framework and the North Tyneside Local Plan 2017.)

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.

Application No: **17/00674/FUL** Ward: Tynemouth  
 Application Type: Full planning application  
 Location: Coach House, Rear of 8 Tynemouth Terrace, Tynemouth  
 Proposal: Demolition of Coach House and construction of replacement dwelling.  
 Applicant: Mr M Humphreys

The committee gave consideration to a report of a planning officer in relation to the application.

Members of the committee asked a number of questions in relation to:

- a) the principle of demolishing the existing building;
- b) the impact of the development on car parking; and
- c) the implications of the recent adoption of the North Tyneside Local Plan 2017.

**Decision**

Application approved, subject to the conditions set out in the report of the planning officers as the proposed development was considered to be acceptable in terms of its impact on neighbours, the character and appearance of the area, designated heritage assets and the highway network in accordance with the relevant policies contained within the National Planning Policy Framework and the North Tyneside Local Plan 2017.

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.

Application No: **17/00931/FULH** Ward: St Marys  
 Application Type: Householder Full Application  
 Location: The Quarry, Church Way, Earsdon  
 Proposal: Extension of a length of approved fence under planning approval 16/01715/FUL to extend along the entire boundary.  
 Applicant: Mrs K Nunn

The committee gave consideration to a report of the planning officers in relation to the application, together with an addendum circulated prior to the meeting. The committee were also presented with a document submitted at the request of the residents of the neighbouring property, The Cottage.

Members of the committee then asked questions of officers and made comments. In doing so the committee gave particular consideration to the impact of the proposed fence on the structural integrity of the party wall between The Quarry and The Cottage.

**Decision**

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application following expiry of the consultation period on 31 August 2017, providing no further matters arise from the receipt of any additional comments which, in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered and justify reconsideration by the committee.

(The committee was minded to approve the application subject to the conditions set out in the planning officer's report and the addition or omission of any other conditions considered necessary, as the development was considered to be acceptable in terms of its impact on neighbouring amenity and the character and appearance of the site within a conservation area in accordance with the relevant policies contained within the National Planning Policy Framework and the North Tyneside Local Plan 2017.)

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.

## **PLANNING COMMITTEE**

**Date: 19 September 2017**

### **PLANNING APPLICATION REPORTS**

#### **Background Papers - Access to Information**

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the offices of the Regeneration, Development & Regulatory Service, Quadrant, The Silverlink North, Cobalt Business Park North Tyneside

#### **Principles to guide members and officers in determining planning applications and making decisions**

##### Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed, preferably in writing, so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

## Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Unitary Development Plan (adopted March 2002);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.



Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

### Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

### Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open

mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

### Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

### Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

**PLANNING APPLICATION REPORTS  
CONTENTS**

**5.1 16/01885/FUL Northumberland**

**Land To The West Of Station Road North And Land South Of East  
Benton Farm Cottages Station Road North Wallsend Tyne And  
Wear**

Speaking rights requested -Mr David Johnstone, 18 Carnforth Close  
Hadrian Park

Speaking rights requested -Dr Jan Poole, 33 Rosedale Wallsend

Speaking rights requested -Mrs Shelley Callaghan, 23 Corver Way  
Newcastle

Speaking rights requested -Elaine Hedley, 71 Martin Road Wallsend

**5.2 17/00900/REM Whitley Bay**

**Site Of Former Avenue Hotel Park Avenue Whitley Bay Tyne And  
Wear**

**Item No:** 5.1  
**Application No:** 16/01885/FUL Author: Maxine Ingram  
Date valid: 12 December 2016 ☎: 0191 643 6322  
Target decision date: 13 March 2017 Ward: Northumberland

Application type: full planning application

**Location: Land To The West Of , Station Road North And, Land South Of East Benton Farm Cottages, Station Road North, Wallsend**

**Proposal: Hybrid application; Outline application for approximately 418 residential dwellings (C3 use) with associated highways, infrastructure and landscaping, all matters reserved with the exception of access. Full planning permission for 175 dwellings (C3 use) with associated infrastructure, landscaping, Sustainable Urban Drainage system and access (Revised phase 1 site plan 4.4.17, Noise addendum 5.4.17, Landscape and ecology 14.7.17, Flood Risk Assessment 30.6.17, Highways addendum 30.6.17) (Amended description)**

Applicant: Persimmon Homes, FAO Mr Richard Holland 2 Esh Plaza Sir Bobby Robson Way Great Park Newcastle Upon Tyne NE13 9BA

**RECOMMENDATION:** Minded to grant legal agreement req.

## **INFORMATION**

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

#### 1.0 Main Issues

1.1 The main issues in this case are:

- Principle of the development;
- Impact on the heritage asset;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on ecology;
- Other issues.

#### 2.0 Description of the Site

2.1 The application site is approximately 31 hectares (ha), the majority of which is currently in agricultural use. The site sits immediately to the west of the A186 and to the south of the A191. The site comprises three fields to the west of the A186 and three fields south of East Benton Farm. The site gently slopes from the north to south.

2.2 The site is divided into northern and southern parcels by a track. This track runs westwards from the A186 to East Benton Farm and then East Benton Cottages; it then crosses the East Coast Mainline and runs towards the playing fields at Darsley Park. South of this track is an area of housing.

2.3 A pylon line runs along the northern part of the site east to west. To the north of the A191 are existing commercial and retail uses. Immediately to the east of the A186 is the committed residential development, known as East Benton Rise. Further to the east of this committed development is the Rising Sun Country Park. Immediately to the west of the site are the East Coast Mainline and an existing car dealership/scrap yard, beyond these lies Darsley Park and the committed residential development, known as Whitfield Green.

2.4 The southern parcel of the application site narrows and is bound to its southern boundary by a watercourse which runs along the edge of an area of informal open space.

2.5 East Benton Farm is a Grade II Listed Building; this does not sit within the boundary of the application site.

2.6 Tree cover within the application site is minimal, with the only significant trees located around the farm buildings. A number of hedges act as field boundaries.

2.7 The site is designated as housing sites (Site 17 and Site 111) within the Council's Local Plan (2017).

### 3.0 Description of the Proposed Development

3.1 This hybrid application comprises of 593 residential dwellings with associated infrastructure, landscaping, Sustainable Urban Drainage System (SUDs) and access.

3.2 Outline consent is for approximately 418 residential dwellings with associated highways, infrastructure and landscaping, all matters reserved with the exception of access.

3.3 Detailed consent is sought for the first phase of 175 dwellings with associated highways, infrastructure, landscaping and SUDs.

3.4 The following house types are proposed within Phase 1:

- 10 no. Callerton (3 bed + study, 2 storeys)
- 8no. Clayworth (4 bed + study, 2 storeys, balcony to front)
- 20 no. Horton (2 bed + study, 2 storeys)
- 2no. Glamis (5 bed, 3 storeys, balcony to front)
- 16 no. Laurel (4 bed, 2 storeys)
- 42no. Kirkley (2 bed + study, 2 storeys, balcony to front)
- 19 no. Polwarth (3 bed + study, 2.5 storeys, Juliette balcony to front)
- 19no. Roseden (3 bed + study, 2 storeys, balcony to front)
- 39 no. Seaton V1 (2 bed + study, 2.5 storeys, Juliette balcony to front)

3.5 Car parking will be provided in accordance with LDD12. Visitor car parking is provided at 1 space per 3 dwellings.

3.6 Open space is to be provided in the form of soft landscaping around the perimeter of the development, which will provide screening to adjacent residential areas. SUDs ponds are proposed within Phase 1 and 3 of the development.

3.7 The following supporting documents have been submitted:

- Planning Statement
- Statement of Community Involvement
- Design and Access Statement
- Noise Assessment and Addendum
- Air Quality Report
- Agricultural Land Classification (ALC) Report
- Landscape and Visual Impact Assessment (LVIA)
- Framework Travel Plan (TP)
- Transport Assessment (TA) and Supplementary Modelling Report
- Heritage Assessment
- Flood Risk Assessment (FRA) and Drainage Strategy
- Site Investigation Desk Study
- Preliminary Ecological Appraisal and Ecology Surveys, including compensation strategy
- Bird Strike Risk Assessment
- Archaeological Desk Based Assessment
- Archaeological Geophysical Survey and Earthworks Survey
- Pre-Development Tree Surgery and Arboricultural Impact Assessment

#### 4.0 Relevant Planning History

##### 4.1 Application site

16/01493/SCREIA - Request for Screening Opinion in respect of proposed residential development – NO EIA 04.10.2016

##### 4.2 Station Road East

12/00536/EIASCO - Scoping opinion for 650 dwellings and 718sqm of commercial floor space with associated drainage; road infrastructure and landscaping (Revised report received 22.10.2012 ) - 12.12.2012

12/02025/FUL - Hybrid application comprising: Outline planning permission with all matters reserved: Development of 18.976ha for residential uses capable of accommodating approximately 425 dwellings and approximately 400sqm of A1 retail use, 318sqm of D1 health centre use and associated car parking. Full planning permission: Erection of 225 dwellings, construction of a 3 arm roundabout at the roundabout at the A186 (Station Road) and provision of associated open space, landscaping and SUDs and strategic open space. EIA Development – Refused 24.10.2013. Allowed at appeal.

#### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

#### 6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (March 2012)

6.2 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 the development;
- Impact on the heritage asset;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on ecology;
- Other issues.

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

### 7.3 Local Plan Strategic Policies

#### S1.2 Spatial Strategy for Health and Well-being

The wellbeing and health of communities will be maintained and improved by:

- a. Working in partnership with the health authorities to improve the health and well-being of North Tyneside's residents.
- b. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:
  - i. Creating an inclusive built and natural environment.
  - ii. Promoting and facilitating active and healthy lifestyles, in particular walking and cycling.
  - iii. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
  - iv. Providing good access for all to health and social care facilities.
  - v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.
- c. Promoting allotments and gardens for exercise, recreation and for healthy locally produced food.
- d. Controlling the location of, and access to, unhealthy eating outlets.

### 7.4 S1.4 General Development Principles

Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

- a. Contribute to the mitigation of the likely effects of climate change, , taking full account of flood risk, water supply and demand and where appropriate coastal change.
- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.
- c. Make the most effective and efficient use of available land.
- d. Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- e. Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

### 7.5 S4.1 Strategic Housing

The full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

In doing so, this will reflect the following key priorities of:

- a. Providing enough new homes to meet current and future need and ensuring the Borough maintains a rolling five year supply of deliverable housing land;
- b. Delivering a distribution of new housing that is sustainable, taking account of the economic, social and environmental impacts of development and infrastructure requirements;
- c. The delivery of brownfield land, whilst taking into consideration the viability of land for development;
- d. Providing accommodation that is affordable for all sectors of the local community;
- e. Improving existing residential areas and bringing empty homes back into residential use;
- f. Delivering a range and type of housing that is currently under-provided for in the Borough, in order to meet identified shortfalls in need;
- g. Ensuring the delivery of specialist stock to meet specific needs such as larger housing, and extra care facilities;
- h. Promoting good management of Houses in Multiple Occupation including encouraging landlords to work with the Council through specific improvement schemes and initiatives;
- i. Offering opportunities for self-build schemes, including the identification of parcels of land on larger housing sites; and,
- j. Ensuring that there remains a choice and variety of viable housing sites, capable of meeting a range of housing needs.

### 8.0 Principle of development

8.1 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means where the development plan is absent, silent or relevant policies are out of date, granting permission for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the



Framework taken as a whole, or specific policies indicate that development should be restricted.

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

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

8.4 NPPF goes onto say that the local planning authorities should plan for a mix of housing based on current and future demographic trends.

#### 8.5 DM1.3 Presumption in Favour of Sustainable Development

The Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted.

#### 8.6 S4.3 Distribution of Housing Development Sites

The sites allocated for housing development are identified on the Policies Map, including those identified for both housing and mixed use schemes. The Strategic Housing Land Availability Assessment 2016 outlines that these site have an overall capacity of approximately 8, 838 homes, assessed as being deliverable and developable over the plan period to 2032.

8.7 Indicative mapping identifying potential access arrangements and possible areas of open space have been prepared for a selected range of sites where additional guidance could benefit future delivery. Planning applications related to those sites should have regard to these indicative plans. Additional policy for the strategic allocations at Murton and Killingworth Moor should be considered to inform the preparation of detailed wide masterplans and applications for development.

8.8 The application site is included as residential sites within the Council's Local Plan (Map Ref 17 and 111). The key considerations include:

- Indicative open space buffers: to north to maintain existing character and identity of the area and mirror the existing relationship to Whitley Road presented by industrial development to the north; and adjacent to the East Coast Main Line.
- Access to link with agreed roundabout for Station Road North.
- Secondary access near Benton Cottages to link with main site and lead to Station Road North.

#### 8.9 DM4.7 Affordable Housing

To meet the Borough-wide target the Council will seek 25% of new homes to be affordable, on new housing developments of 11 or more dwellings and gross internal area of more than 1000sqm, taking into consideration specific site circumstances and economic viability. Developments will be required to provide a mix of affordable housing for rent and intermediate housing, based on the most up-to-date evidence of local need. Where necessary, to assist the viability of proposals, a flexible approach to tenure mix of affordable housing provision or a commuted sum is proposed it must be demonstrated that:

- All options for securing on-site provision of affordable housing have been explored and exhausted; and,
- Where off-site affordable housing is to be provided the amount of affordable housing would be broadly equivalent in value to the amount that would be viable if the provision was made on-site; or,
- Where a Commuted Sum is to be provided it will be broadly equivalent in value to the amount that would be viable if the provision was made on-site.

8.10 Proposals for the delivery of affordable housing schemes (such as those submitted by the Council and Registered Providers) that make a contribution towards North Tyneside's overall assessed needs for affordable housing will be supported.

8.11 The application site is designated as a housing site within the Council's Local Plan. The proposed development will provide up to 593 residential dwellings over three phases. The first phase will provide 175 residential dwellings. 25% affordable housing provision will be provided over all three phases of the development.

8.12 Members need to determine whether the principle of developing these designated housing sites is acceptable. It is officer advice that the proposed development accords with both national and local planning policy.

#### 9.0 North Tyneside 5-Year Housing Land Supply

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

9.2 Planning Committee will be aware that the North Tyneside Local Plan was adopted in July 2017 and sets out the borough's housing requirement to 2032. 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. This total includes delivery from

sites yet to gain planning permission. This potential supply represents a surplus against the Local Plan requirement, or a 5.56 year supply of housing land.

9.3 It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan. The potential housing land supply from this proposal is included in the assessment that North Tyneside has a 5.56 year supply of housing land. Therefore, North Tyneside Council remains dependent upon approval of this scheme if it is to achieve the level of delivery anticipated.

9.4 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.

#### 10.0 Impact on Heritage Asset

10.1 Paragraph 133 of the NPPF requires local planning authorities to refuse consent for development which leads to substantial harm or total loss of significance of a designated heritage asset unless substantial public benefits outweigh that harm, or the nature of the asset prevents all reasonable uses of the site; there is no viable medium term use; conservation by grant-funding or charitable /public ownership is not possible and the harm is outweighed by the benefit of bringing the site back into use.

10.2 Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 134).

10.3 NPPF paragraph 134 is relevant to the determination of this application, which requires less than substantial harm to a heritage asset to be weighed against the public benefits of the proposal.

10.4 Paragraph 137 of the NPPF encourages local planning authorities to look for opportunities for new development within conservation areas or the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

#### 10.5 S6.5 Heritage Assets

North Tyneside Council aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by:

- a. Respecting the significance of assets.
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.

- e. Supporting appropriate interpretation and promotion of the heritage assets.
- f. Adding to and keeping up-to-date the Borough's heritage asset evidence base and guidance. Examples include conservation area character appraisals, conservation area boundary reviews, conservation area management strategies, conservation statements/plans, registers of listed and locally registered buildings, the historic environment record and buildings at risk registers.
- g. Using the evidence it has gathered, implement the available tools to conserve heritage assets, such as Article 4 Directions and Building Preservation Notices.

#### 10.6 DM6.6 Protection, Preservation and Enhancement of Heritage Assets

“Proposals that affect heritage assets or their settings will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment, and cannot be met in any other way.

Heritage assets that are to be affected by development will require recording (including archaeological recording where relevant) before development commences.

Any heritage reports prepared as part of a development scheme will be submitted for inclusion on the Tyne and Wear Historic Environment Record (HER) and published where considered appropriate.”

10.7 Historic England has been consulted. They have raised no objections to the proposed development.

10.8 The application site borders the existing Grade II listed buildings, East Benton Farm. The farmstead is surrounding by the application site but excluded

from the red line boundary. The development site does however incorporate part of the farm curtilage, including a late 19<sup>th</sup> century stable block and boundary walls. Any pre-1948 building that was in the curtilage of the principal building at the date of listing is protected under the statutory designation provided it is fixed to the land and is ancillary to the principal building. Members are advised that there are no physical works proposed to the listed buildings or to the structures within their curtilage but the development will affect the setting of these heritage assets. Some degree of harm has been accepted in the Council's Local Plan, as the application site has been designated as a housing site.

10.9 A Heritage Impact Assessment (HIA) has been submitted. This establishes the significance of the heritage assets followed by an assessment of the development's impact.

10.10 The farm's immediate setting is well defined by its boundary treatments, creating a strong sense of enclosure and demarcation from the farm curtilage. The HIA advises that the curtilage broadly reflects the original agreement of the farm holding, as evident from historic maps. The listed buildings are organised in a tight knit, insular arrangement focused around the central yards. The later 19<sup>th</sup> century additions include a number of red brick outbuildings and stables to the west, east and south of the main farm complex. The 20<sup>th</sup> century open sided hay barn is of modern construction and much greater scale; it has no special historical or architectural interest. It is the view of the applicant that this hay barn dominates the listed buildings and obstructs views of the farm, detracting from the immediate setting of the listed buildings.

10.11 The setting of the farmhouse is even more visually contained. The house is orientated away from the farmyards and activities. The principal frontage faces south, enclosed in its own private grounds and garden setting.

10.12 The farm's open countryside setting has been eroded by widespread urban expansion which now encloses the site on all sides. The applicant acknowledges that the remaining agricultural fields preserve a sense of the historic landscape setting. However this setting is viewed against a backdrop of modern urban interventions result in a negative impact upon the setting. These include: to the north, large scale electricity pylons and the existing commercial/industrial buildings beyond Whitley Road; residential development to the south east; the East Coast Mainline to the west, beyond which are existing commercial uses; and to the east of Station Road the current extant planning permission for a residential and commercial development.

10.13 Despite the above changes, the farm still retains elements of its traditional agricultural setting. Whilst no longer set in open countryside, the applicant considers that a semi rural context is retained through the open character and agricultural use of the surrounding fields, the traditional hedgerow boundaries and the quiet rural character along the bridleway.

10.14 The farmstead is largely screened from long distance views due to intervening hedgerows and development. Mature hedgerow planting along Whitley Road impedes views from the north although glimpses of the site and farm are possible where there are breaks or clearances in this vegetation. There

is little enclosure along Station Road and both the application site and farm are more visible from the east. The 20<sup>th</sup> century hay barn is the most prominent feature, although the wider roofscape is also visible. The applicant considers the farmstead to be of medium significance.

10.15 The applicant has advised that the proposed development incorporates design mitigation to limit the adverse effects of the development upon significance of the heritage assets. These measures are set out below; however Members are advised that the final design details and layout will be considered in full at reserved matters:

-Preserve and integrate: The listed buildings, along with the land and structures within their curtilage, are preserved as existing and will become a focal point at the heart of the new development. The new proposals draw upon the contribution of the historic environment to shape the character of the new residential neighbourhoods and utilise the form, character and appearance of the surrounding residential development.

-Buffer zone: The curtilage of the farmstead is clearly defined by historic boundary treatments. The scheme establishes a further landscaped buffer zone around this curtilage which provides a generous offset between the farmstead and the areas of new development. This prevents built development from encroaching upon the most sensitive elements of the assets' setting, preserves key views of the farmstead and retains an intimate setting to the farmstead.

-Landscape: The landscaped area has been designed to reflect the rural character of the area, drawing upon the characteristics of the farmhouse garden and its agricultural context. Landscaping, stone wall structures and estate railings are proposed to provide further demarcation where necessary. This will create an attractive public open space which will provide a new setting to the farm.

-Character area: Around the farmstead, a distinctive 'Heritage Site Character Area' is proposed. Specific guidelines are proposed to ensure that the houses in close proximity to the farmstead respond to the historic character of the area and listed buildings.

-Design and Detail: A 'traditional heritage style' is proposed for house types within the Heritage Site Character Area.

-Enhanced boundary treatment: The development utilises opportunities to enhance the immediate setting of the farmstead, it proposes a substantial landscape buffer to the south of the farm which screens residential development along Wiltshire Drive. This represents a considerable improvement to the immediate setting of the farmstead as these properties are highly visible in views of and from the farmstead detracting from its setting. Further enhancements are proposed to improve boundary treatments and planting along the bridleway and bolstering existing trees and hedgerow planting around the farmstead.

-Views: Key views and vistas of the farm have been maintained along the bridleway from the east. To the west of the farm, development and tree planting is stepped back from the bridleway to preserve views of the farmstead along the historic access route from the west.

-Access and accessibility: Access to the wider site will be taken from Station Road through the new build development; as such there will be no additional vehicular traffic passing by the farmstead. The bridleway will maintain its rural character as a non-vehicular route.

-Reveal: The development seeks new opportunities to enhance and reveal the significance of the listed buildings. The landscaped buffer zone around the farmstead will be accessible to pedestrians and allow greater access in and around the farmstead, opening up new views and opportunities to appreciate the heritage asset. The landscape proposal includes provision of interpretation boards to reflect architectural and historic interest of the farmstead.

10.16 The development will have an indirect effect on the significance of the heritage assets arising from changes to their setting. Some benefits will be delivered to the immediate setting of the farmstead through the reserved matters application in terms of landscaping, materials and design layout. Despite the design mitigation proposed, the loss of agricultural fields for residential development will have an adverse effect on the wider setting of the farmstead. In the context of the NPPF, this effect is considered to be at the lower range of “less than substantial harm” as the contribution of the wider setting to the significance of the listed buildings has been diminished by long term cumulative change which has transformed the area and permanently altered the original context and setting of the listed farmstead.

10.17 It is necessary to demonstrate how the benefits of the new development outweigh the harm through the provision of public benefits – recognising that the justification necessary must be proportionate to the level of harm caused (paragraph 132 of NPPF).

10.18 The limited harm caused to the significance of the heritage assets should be weighed against the heritage benefits of the scheme, namely:

-The scheme preserves the heritage assets with the intention of making these more accessible to the public. The use of interpretative boards will better explain and reveal the significance of the listed buildings and their role within the history of the area.

-The proposals preserve those elements of the setting (the associated buildings, structures, boundary treatment, curtilage and planting) which make the greatest contribution to and better reveal the significance of the heritage assets.

-The scheme will enhance the immediate setting of the listed buildings through implementation of a ‘development buffer zone’ with sensitive landscaping strategy, improvements to boundary treatments, further tree and hedgerow planting and screening of residential development along Wiltshire Drive.

-The nearby development has been sensitively designed to respect the historic character of the site. The design code established an appropriate response which has been informed by an analysis of the listed buildings and local vernacular. This will contribute to the character and local distinctiveness of the area.

10.19 The HIA concludes that the less than substantial harm is at the lower end of the scale and the sensitive master planning of development in this area of the site has reduced the harm caused. The development of the wider site does impact upon the traditional setting of the farmhouse; however the scale of this harm is reduced through existing landscape features, such as a well-established hedgerow to the north of the public footpath and further sensitive master planning.

10.20 Members need to determine whether the impact of the development is acceptable on this heritage asset. It is officer advice that the impact on the heritage asset is acceptable.

#### 11.0 Impact on character and appearance of the site and the surrounding area

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

11.2 NPPF states that planning policies should protect and enhance public rights of way and access.

#### 11.3 DM6.1 Design of Development

Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

#### 11.4 DM5.9 Trees, Woodland and Hedgerows

Where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the Borough, and:

- a. Protect and manage existing woodland, trees, hedgerows and landscape features.
- b. Secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.
- c. Promote and encourage new woodland, tree and hedgerow planting schemes.
- d. In all cases preference should be towards native species of local provenance. Planting schemes included with new development must be accompanied by an appropriate Management Plan agreed with the local planning authority.

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



11.6 The site would be developed over three phases: phase 1 relates to the full planning application and phases 2 and 3 are an outline application. Phases 2 and 3 will be subject to a reserved matters application (all matters reserved except for access). Members are advised that the applicant has submitted an indicative layout to demonstrate how the site could be developed for up to 593 units. Overall this would result in a density of approximately 20 dwellings per hectare. The density of housing will vary across the site ranging from high to low.

11.7 The indicative layout demonstrates how the site has been optimised to accommodate the proposed dwellings as well as incorporating green space, Sustainable Urban Drainage Systems (SuDS) and improving accessibility through and adjacent to the site.

11.8 The overall development (outline and full) has been assessed by the Design Officer. He has advised that the indicative masterplan and detailed design for the parcels of houses reflects a well designed and considered layout. The masterplan has been designed to replicate the design principles set out for the committed development to the east of Station Road. He has also advised that this will provide a positive and active frontage along both sides of Station Road. The layout is easy to navigate around and will facilitate movement. He has advised that the wider site plan for Phase 3 shows good design principles for the site and retains a buffer around East Benton Farm.

11.9 The full planning application seeks to construct 175 dwellings and part of the landscaped parkland to the north. The applicant has advised that only part of the northern landscaping is proposed as part of Phase 1 to allow the “structural” landscaping area to the north to establish during this phase of construction but allow the areas between to be utilised for soil movement and construction traffic.

11.10 Access to Phase 1 will be from Station Road. This phase has been designed to incorporate zones. ‘The Boulevard’ is the primary route through this phase. This primary distributor road running through the development, provide access to all residential areas, whilst also having the potential to serve as a bus route through the development. This zone provides a gateway onto the site. The proposed dwellings are set back from and face onto this road creating a strong frontage. ‘The Malc’ is the pedestrian link that will cut through this phase. This will provide a link from the east of the site that will connect to the later phases. The ‘home zone’ has been designed to create a strong urban block structure that focuses on pedestrian safety to ensure functional residential areas.

11.11 The development along the eastern edge of the site is the most visible and acts as a key street scene. Along this eastern edge a landscaping strip will form a buffer zone between the development and Station Road. The built form along this particular stretch of the development is outward facing and is set back behind landscaped mounds, shrub and tree planting as well as shared surface access to parking bays. The variation in the building line and design of the dwellings adds visual interest.

11.12 The northern edge of Phase 1 is inward looking over landscaping adjacent to the primary access road serving the north of the site. The rear gardens of these properties back onto the northern landscaped area. The area of open

space to the north of these properties will provide a buffer zone to the electricity pylons and to Whitley Road.

11.13 The southern edge of Phase 1 is set back from the existing hedgerow that separates the site from the retained public right of way that runs through the centre of the wider development.

11.14 The submitted indicative masterplan identifies the areas of open space and landscaping. An extensive area of open space is proposed to the north of the site and an area around the existing East Benton Farm. Perimeter planting is proposed to the eastern and western boundaries. The existing public right of way (PROW) leading to East Benton Farm is to be retained and Members are advised that this PROW does not form part of the application site. The existing hedgerow to the north of this PROW is to be retained and enhanced with the exception of two access points that are to be created as part of the later phases. It is acknowledged that there will be a dramatic change in the short term as the site is developed from open farm land to housing. However, the development has the potential to eventually provide good perimeter screening around the entire area. The ecological improvements will be discussed in greater detail the latter part of this report.

11.15 Generally, tree cover within the red line boundary is minimal, with the only significant trees located around the farm buildings. A number of hedges act as field boundaries. An arboricultural survey has been carried out. This survey indicates that the site and its curtilage contain: 15 individual trees; 9 tree groups and 6 hedgerows.

11.16 Hedgerows 2 and 4 will require their southern sections to be removed to allow for construction. Hedgerow 6 will require removal in its entirety and Hedgerow 1 will require the removal of some short sections to allow pedestrian and vehicle access. A small section of Group 7 will require removal.

11.17 The Council's Landscape Architect has been consulted. She has advised that the proposed development is set within a strong landscape framework of existing tree cover and new tree and shrub planting. She considers that collectively it will visually contain the development within the local and wider landscape as well as providing attractive well-functioning connected external spaces with defined settlement edges. She has advised that some improvements to the landscape design are required, which can be dealt with by conditions. Subject to the imposition of conditions, she considers that the scheme will deliver a visually comprehensive landscape scheme that responds appropriately to the aims and objectives of habitat protection and development.

11.18 The site is located within close proximity to existing retail provision on Whitley Road, as well as local services serving Forest Hall, Wallsend and Battle Hill. The committed development to the east of Station Road, subject to the reserved matters application, may also provide further local services. The site also lies in close proximity to the Rising Sun Country Park and Benton Quarry Park. On site play provision is to be provided as part of Phase 2.

11.19 The applicant has advised that there are no public rights of way through the site; though there are several around part of its boundaries.

11.20 The proposed development will accommodate pedestrian and cycle links through the site that will link to existing connections and proposed connections. A strategic footpath/cycleway will be sited adjacent to part of the A191 before entering the site into the northern landscape area. This will provide a link onto the A191 adjacent to the scrap yard as well as through the site to the most southern part of the site (Phase 3). The connection in the southern part of the site will provide part of the link from the A191 to the Coast Road. To accommodate the footpath/cyclepath, adjacent to the A191, a stretch of existing vegetation will need to be removed. This loss is regrettable however, it will form part of the landscape mitigation in the northern buffer.

11.21 The proposed development will provide non-vehicular links through the site, with both north-south connectivity and east-west connectivity. Members are advised that the existing public right of way that intersects the site and currently provides access to East Benton Farm will not be affected as part of this development.

11.22 An offsite contribution to improve pedestrian and cycle connections to Redesdale Primary School will be secured.

11.23 The applicant has advised that the development will be constructed using the fabric first approach.

11.24 As this is a hybrid application more detailed design would follow for the outline part of the proposal (Phases 2 and 3) if permission was granted. Members need to consider whether the overall design concept and layout, including connectivity, are appropriate and comply with current policy. Officer advice is that the scheme can be comfortably accommodated within the site without a significant adverse impact on the character and appearance of the area. It is officer advice the full application is of an appropriate design and appearance and would result in an acceptable impact on the amenity of existing residents and future occupants. As such the proposed development complies with both national and local planning policy.

## 12.0 Impact upon future occupants and existing occupants

12.1 Paragraph 30 of NPPF states Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.

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

## 12.3 DM5.19 Pollution

Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases,

steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.

Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

Proposals for development should have regard to the noise impacts arising from the Newcastle International Airport flight path as shown on the Policies Map.

12.4 The objections received regarding air quality are noted.

12.5 The importance of good air quality is recognised by the World Health Organisation which produced a series of standards that have been adopted by the European Commission and subsequently the UK by the Expert Panel on Air Quality Standards, which has set air quality objectives for the UK.

12.6 Development proposals that may result in a detrimental effect upon air quality in the Borough will need to provide an air quality assessment as part of the application and provide mitigation or promote sustainable options such as electric charging points. Development within the Borough must consider air quality collectively in context with other permitted but not implemented developments. North Tyneside's 'Improving Air Quality Policy Guidance' document provides further guidance on information required for the air quality assessment, and outlines appropriate mitigation for minimising air quality impacts.

12.7 An Air Quality Report has been submitted. This report has considered the potential increase in air pollutants resulting in an increase in road traffic associated with the development. The principal pollutants of concern are nitrogen dioxide and particulates, arising from road traffic vehicles.

12.8 Members are advised that since the submission of this planning application in December 2016, DEFRA in July 2017 have published a UK plan for tackling roadside Nitrogen Dioxide (NO<sub>2</sub>) concentrations.

12.9 The Manager for Environmental Health has been consulted. She has assessed the submitted Air Quality Report and considered the impacts of this development in light of the recently published document by DEFRA. She has advised that the DEFRA document has identified North Tyneside Council with persistent exceedances at public access of the annual mean for nitrogen dioxide of 40 ug/m<sup>3</sup>. The Air Quality Report submitted to accompany this planning application has been reviewed by the Manager for Environmental Health to consider the impact on the Coast Road A1058.

12.10 The Manager for Environmental Health has advised that the air quality about the Coast Road Wallsend Area A1058 within 800 metres into the boundary of North Tyneside has been identified as exceeding the annual mean at the roadside location. The modelled air quality data indicates exceedances of 50 in 2017 and will not meet the annual mean limit until 2023 for roadside.

12.11 The air quality modelling carried out considered traffic flows to the A1058 from the roundabout and slip road west and the dispersion model indicated an overall contribution to NO<sub>2</sub> of 0.05% increase, with the actual contribution being 0.02 µg/m<sup>3</sup> by 2026 at the nearest sensitive receptor ESR 6. This level of change is considered to be a negligible increase as the percentage change of <75% of the air quality limit. If this was considered an exceedance level at this location then this percentage change would still be considered a slight impact if this did cause a change in the air quality limit. When reviewed in relation to the National Planning Policy Guidance refusal of an application on air quality ground would only be considered where the assessed impacts were determined to be giving rise to a significant adverse impact.

12.12 On balance, the Manager for Environmental Health considers the impacts arising from this development on air quality to be negligible.

12.13 The objections regarding noise are noted.

12.14 A Noise Assessment and a further addendum have been submitted. These reports have considered the potential impact of noise on future residents.

12.15 The Manager for Environmental Health has been consulted. She has raised concerns regarding noise levels from the A186 Station Road, the scrap yard to the north west of the site and the railway tracks to the west of the site. Their comments are noted however, Members are advised that they have suggested conditions to deal with the points that they have raised rather than the information be provided prior to determination.

12.16 Phase 1, which forms part of the full application, would front onto the A186 Station Road. Members are advised that Phase 1 would be sited over 100m from the A191 Whitley Road. The Manager for Environmental Health has advised that the existing noise level measure 10m from kerbside of the A186 are 71.8dB for daytime, with night time significantly lower at 53.4 dB. The report has calculated that at the facade current noise levels will typically be up to 66dB (A) LAeq. She has advised that any increase in noise would be considered detrimental due to the excessive noise exposure levels experiences. The submitted noise survey advised that without appropriate mitigation measures noise levels will cause significant adverse effects on use of gardens and internal living spaces. It is noted that such noise levels do not comply with the World Health Organisation (WHO) in which residents will experience serious annoyance with the use of their gardens. She has advised that the main gardens that have line of sight to Station Road will need to be given appropriate screening. She has also advised that noise levels at the facade would mean that if doors to the Juliet balcony windows properties facing Station Road were open, future occupants would experience unacceptable noise levels for day time. It will be necessary for both acoustic

glazing and mechanical ventilation to be provided. These details can be conditioned.

12.17 Phase 2, which forms part of the outline application, will be sited over 100m from the A191 Whitley Road. This part of the development will be to the east of the scrap yard. The Manager for Environmental Health has assessed the noise addendum that relates to the scrap yard. Her concerns regarding this noise monitoring are noted. She has advised that noise activities of the scrap yard would amount to significant adverse impact. It is clear that the location of the residential housing adjacent to the scrap yard without any noise mitigation measures being incorporated into the development will cause potential restrictions on the business via statutory nuisance legislation for noise. As this part of the development forms part of the outline application, it is considered reasonable to impose conditions for a full noise assessment in accordance to BS4142 to assess the noise from the scrap yard and mitigation measures that may include acoustic fencing.

12.18 Phase 3, which forms part of the outline application, will be sited closest to the railway tracks located to the west of the site. A proposed set back of 45m from the railway line, has assessed noise exposure levels at the facade of up to 76 dB(A), with LAeq levels of 56 dB(A). The Manager for Environmental Health has advised that a condition is required to ensure the housing is set back 45m.

12.19 Network Rail has been consulted. They have recommended conditional approval.

12.20 On balance, it is the view of officers that, subject to the imposition of conditions the impact in terms of noise can be mitigated.

12.21 Pylons are sited in the area of proposed open space to the north of the application site. The applicant has confirmed that the 15m ground level swing distance is consistent with the design and legislation requirements for pylons of that size and height. The applicant had advised that this approach is to ensure that they are consistent with national guidance and legislation.

12.22 Members are advised that National Grid and Northern Power Grid have been consulted but no response has been received.

12.23 The separation distances between the proposed dwellings within Phase 1 are considered to be acceptable.

12.24 The proposed dwellings within Phase 1 would be sited over 70m from the committed development to the east of the A186, known as East Benton Rise.

12.25 The indicative masterplan indicates the potential relationship between the proposed dwellings and the East Benton Farm. Phases 2 and 3 of the development will be visible, partially screened or filtered by the additional planting proposed for the landscape buffer that surrounds East Benton Farm. The detailed layout for Phases 2 and 3 would be considered in more detail at reserved matters.

12.26 The indicative masterplan indicates the potential relationship between the proposed dwellings and East Benton Farm Cottages. The development will be visible, partially screened or filtered by the additional planting proposed for landscape buffer and public open space that runs along the site's western boundary. The detailed layout for Phase 3 would be considered in more detail at reserved matters.

12.27 The existing residential properties of Wharfedale and Wensleydale are located to the south of Phase 1 and part of Phase 2. The properties that sit on the northern edge of these streets have gardens that face onto the development site. These properties are separated from the development by an existing area of informal open space and the track that serves East Benton Farm. These existing properties would be sited approximately 60m from the application site. It is the view of officers that, this separation distance is considered to be acceptable.

12.28 The existing residential properties of Bishopdale, Sutton Court, Dalton Court, Ryedale and Rosedale are located to the east of Phase 3. The majority of these properties that sit on the western edge of these streets have gardens that face onto the development site. The indicative masterplan indicates the potential relationship between the proposed dwellings and these existing dwellings. It is the views of officers that this set back from the existing dwellings would be acceptable. However, the detailed layout of Phase 3 would be considered in more detail at reserved matters.

12.29 Oblique views of the development site would be afforded from the residential properties located to the south east of the site. Oblique views of the development site would also be afforded from the residential properties of Leicester Close and Sunholme Drive, mainly the properties that abut the public right of way. The views from these properties, in line of the development site, will be partially screened by the committed residential development known as East Benton Rise.

12.30 Long distance views of the site from the high point of the hill in the Rising Sun Country Park would be afforded. This vantage point takes the line of sight above the screen of existing vegetation. As the committed residential development known as East Benton Rise is built out, views of the eastern edge of the site will be screened. This vantage point is panoramic and includes the entire conurbation of middle Tyneside, including Newcastle and Gateshead.

12.31 It is noted that existing views of farmland will be replaced by views of a new urban extension with its own landscape frontage, internal landscape patterns and public open space. New woodland will be created along the site's northern boundary. The short term view from various vantage points in and around the application site will be of the construction of the development, and the longer term view will be of an extension to the surrounding urban environment that is partially screened by the perimeter landscaping. On balance, it is the view of officers, that the impact on outlook for both existing and future occupants is considered to be acceptable.

12.32 Members need to consider whether the proposal would avoid having an adverse impact upon future occupants' living conditions in accordance with NPPF

and local planning policy DM5.19 and weight this in their decision. Officer advice is that with the imposition of conditions, the impact on the amenity of existing and future occupants is acceptable.

### 13.0 Highways

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

13.2 Paragraph 30 of NPPF refers to a reduction in greenhouse gas emissions.

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

13.4 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.

### 13.5 DM7.4 New Development and Transport

The Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:

- a. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footways and cycle routes. Connections will be integrated into existing networks with opportunities to improve connectivity identified.
- b. All major development proposals likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment and a Travel Plan in accordance with standards set out in the Transport and Highways SPD (LDD12).
- c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).
- d. New developments will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or where necessary, identify opportunities for public transport improvements including sustainable access to public transport hubs.
- e. New developments in close proximity to public transport hubs, whenever feasible, should provide a higher density of development to reflect increased opportunities for sustainable travel.
- f. On developments considered appropriate, the Council will require charging points to be provided for electric vehicles in accordance with standards set out in the Transport and Highways SPD (LDD12).

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



13.7 A Transport Assessment (TA) and a Framework Travel Plan (TP) have been submitted. An addendum to the TA has also been submitted. The TA has assessed the local highway network and was tested in the Council's Micro-simulation Transport Model. The Highways Network Manager has advised that the impact of the proposed development on the highway network will not be severe given the various improvements already committed along the A186 corridor associated with the committed development to the east of the A186 (Planning Ref: 12/02025/FUL). The highway works agreed as part of this committed development are set out below:

- New roundabout junction to the south of the site
- Secondary T-junction access to the north of the site
- Traffic signals at the junction of Hotspur Road
- Localised widening at the junction of Mullen Road and Wiltshire Drive
- Improvements to the junction with the A1058 Coast Road
- Improvements to junction of A186 Station Road and A191 Whitley Road roundabout

13.8 Notwithstanding the above highway improvements, the Highways Network Manager considers that further improvements are considered necessary to the junction of A1058 (Coast Road) and A186 (Station Road) and A186 Station Road and A191 Whitley Road roundabout to accommodate the additional traffic associated with the proposed development. He has also advised that improvements to footpath and cycle links serving the site and surrounding areas are also considered to be necessary. These measures will improve connectivity to shops, schools and employment areas.

13.9 The submitted TP seeks to reduce car usage associated with the site by various measures. The TP has been amended to include: the option of two four-weekly Network One all zone travel passes per dwelling and the option of an electric charging point for each dwelling with on-site parking.

13.10 The Highways Network Manager has advised that parking associated with Phase 1 has been provided in accordance with the Council's parking standards set out in LDD12. He has also advised that the site has appropriate highway layouts with suitable turning areas as well as good pedestrian and cycle connectivity throughout the site.

13.11 Nexus has been consulted. They have advised that they are impressed by the levels of accessibility achieved through the use of pedestrian links from the development to existing transport services. Based on the existing network this includes a direct service to Newcastle and frequent services to various locations around North Tyneside. Nexus has requested that the developer funds the provision of two four-weekly Network One all zone travel passes per dwelling.

13.12 Members need to consider whether sufficient access and parking would be provided and whether the proposal would accord with the advice in NPPF, policy DM7.4 and LDD12 and weight this in their decision. The Highways Network Manager has considered fully the impact of the development proposed the measures to address additional traffic generated as a result of the development and those measures within the Travel Plan. He raises no objections to the

development subject to the imposition of conditions and those contributions set out. It is officer's strong advice that the development meets with the requirements of NPPF and relevant UDP policies and does not result in a severe impact on the highway network.

#### 14.0 Biodiversity

14.1 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 and as part of this helping to improve biodiversity amongst other matters.

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

14.3 Paragraph 118 of NPPF states that when determining planning applications LPA's should aim to conserve and enhance biodiversity by avoiding significant harm from development. If significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

#### 14.4 S5.4 Biodiversity and Geodiversity

The Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

#### 14.5 DM5.5 Managing effects on Biodiversity and Geodiversity

All development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate. Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:
- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,

e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,  
f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

#### 14.6 DM5.7 Wildlife Corridors

Development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

14.7 The site is located close to two Local Nature Reserves (LNR), Swallow Pond and Plantation LNR is approximately 700m to the north east of the site and Wallsend Dene LNR is approximately 1.6km to the south east. With regard to non statutory sites the Station Road Watercourse Local Wildlife Site (LWS) lies immediately to the south of the site whilst a number of LWS lie around 800m to the east (Rising Sun Pit Heap LWS, Swallow Pond LWS and the Rising Sun Country Park Site of Local Nature Conservation Importance (SLCI)).

14.8 The applicant has submitted a number of ecology reports to accompany the planning application. These reports are set out in paragraph 3.7 of this report. These reports have been considered in full by the Council's Ecology Officer.

14.9 The habitats on site were considered to be of low to local ecological value, with the majority of the site comprising of low value arable land. The hedgerows on site form field boundaries providing nesting and foraging habitat as well as connectivity and wildlife links to tree and scrub cover on adjacent land.

14.10 Members are advised that the impacts of the proposed development include the loss of the following habitats:

- 6 ha of semi-improved grassland
- 23.5ha of arable land
- Approximately 1000 linear metres of species poor hedgerow
- Loss of occasional scattered scrub

14.11 The Council's Ecology Officer has advised that the loss of the above habitats will impact on breeding birds and foraging bat species. She has also

advised that the loss of this habitat may also impact badger foraging, butterflies and priority species such as hedgehog. In addition to habitat loss and impacts on wildlife species, she has advised that the proposed development will also have an adverse impact on adjacent greenspace/recreational areas (The Rising Sun Country Park and Benton Quarry) due to additional pressures of an increase in residents using these parks.

14.12 In order to mitigate the impacts of the proposed development, in terms of loss of habitat, impact on wildlife and increased pressures on nearby parks, the following mitigation has been proposed:

- Enhancing approximately 1115 linear metres of hedge through gapping up and inclusion of broadleaved tree specimens
- Creation of approximately 2160 linear metres of new native hedgerow
- Creation of 300 linear metres of new native hedge in the off-site compensation area
- Creation of 4.15ha of broadleaved native woodland and 0.98 of woodland edge
- Creation of 2.69ha of species rich grassland
- Creation of 1.31ha of amenity tree and scrub planting
- Creation of 0.25ha of native scrub in the off site compensation area
- Creation of swales and SuDs as part of scheme and creation of grasslands surrounding wetlands
- Avoidance of high intensity lighting and light spillage into areas of retained and newly created habitat
- Financial contribution for the Rising Sun Country Park and Benton Quarry Park to ensure the upkeep and management of recreational facilities and wildlife habitats

14.13 The Council's Ecology Officer has advised that the proposed development will result in the loss of all territories, resulting in permanent displacement of ground nesting national priority species such as skylark and grey partridge which is assessed as having an impact of district significance. In order to mitigate for these impacts the following measures have been proposed: provision of nest boxes and platforms; landscaping to include the creation of diverse meadow grassland, creation of SUDs, native woodland, scrub planting, creation of new native hedgerows, enhancement of and retention of existing hedgerows; gardens landscaping to increase nesting and foraging opportunities; control of lighting and light spillage into newly created habitat; provision of an off-site compensation area for farmland birds; and a financial contribution to the Rising Sun Country Park.

14.14 The bat activity on the site was relatively low with the site providing low to medium quality foraging habitats to bats, with hedgerows providing potential commuting routes and foraging areas, linking to better quality habitats off site. The submitted reports recommend that proposals should seek to create/retain green corridors around the site margins and to provide enhanced foraging opportunities for bats through the provision of features such as wetlands, species rich grasslands and tree and shrub planting. Consideration should also be given to incorporating potential roost sites into the design such as bat bricks within the new build and/or bat boxes. Conditions are recommended to secure a method statement and improve planting alongside the railway tracks to create a potential foraging and dispersal route for amphibians and other wildlife.

14.15 An area of off site compensation land is to be provided to the east of the application site to compensate for impacts on farmland birds, in particular skylark and grey partridge. The Council's Ecology Officer has advised that the proposed development will result in the permanent displacement of ground nesting national priority species such as skylark and grey partridge.

14.16 The compensation area is approximately 6ha in size and will provide wild bird cover to provide nesting habitat for grey partridge and a food source for species such as skylark, yellowhammer and linnet, grassland management, creation of native scrub to benefit a range of bird species, and the creation of a new native hedgerow.

14.17 The Council's Ecology Officer has advised that the indicative masterplan generally accords with the habitat and landscape details set out within the 'Mitigation, Compensation and Enhancement Strategy' in terms of the areas of land proposed for various types of habitat creation such as woodland and wildflower grassland. She has advised that there are some minor issues with the submitted masterplan in terms of the location of new hedgerows and planting proposed around the dry SUDs area. She has advised that these minor issues can be resolved by way of a detailed landscape condition.

14.18 The Council's Ecology Officer has advised that there is potential for significant impacts on boundary planting and habitat areas from the lighting of this site, in particular the lighting of footpaths/cycleways that are located through the landscaped areas. She has advised that this can be controlled by way of a condition to control the type of lighting and the light spill into sensitive habitat areas.

14.19 The Council's Ecology Officer has advised that she has no objection to the proposed development, as the provision of the off-site compensation land in conjunction with habitat creation and landscaping within the housing scheme site and an off-site contribution for habitat creation and improvements in the Rising Sun Country Park will adequately mitigate for the impacts of this scheme set out above.

14.20 Natural England has been consulted. They have raised no objections to the proposed development.

14.21 Members need to determine whether the development results in significant harm. It is officer advice that the development would not have a harmful impact on local biodiversity and the natural environment. Those impacts which have been identified can be mitigated by the enhancement of existing habitats on and off the site.

## 15.0 Other issues

### 15.1 Flooding

15.2 NPPF states that when determining planning applications, LPA's 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 (FRA) following the sequential test.

### 15.3 DM5.12 Development and Flood Risk

All major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

In addition to the requirements of national policy, development will avoid and manage flood risk by:

- a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and
- b. According with the Council's Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas.

### 15.4 DM5.13 Flood Reduction Works

The Council will work with Northumbrian Water Ltd, the Environment Agency and landowners to ensure the risk of flooding in North Tyneside, to existing property and infrastructure, is reduced through a planned programme of work on the existing and future components of the drainage system.

Where development is proposed, and where it is deemed to potentially impact on drainage capacity (either individually or cumulatively), applicants will be expected to contribute to off-setting these impacts and work with the Council and its drainage partners to ensure any works are complementary to wider plans and fairly and reasonably related in scale and kind to the proposed development.

### 15.5 DM5.14 Surface Water Run off

Applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable.

For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

### 15.6 DM5.15 Sustainable Drainage

Applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

The following destinations must be considered for surface water management in order of preference:

- a. Discharge into the ground\*;
- b. Discharge to a surface water body;
- c. Discharge to a surface water sewer; or,
- d. Discharge to a combined sewer.

Only in exceptional circumstances, where a Flood Risk Assessment, local site conditions, and/or engineering report show that sustainable drainage systems will not be feasible will the discharge of rainwater direct to a watercourse, surface water drain or to a combined sewer be considered.

Where SuDS are provided, arrangements must be put in place for their whole lifetime management and maintenance.

Where appropriate, SuDS should be designed and located to improve biodiversity, the landscape, water quality and local amenity.

\* Deep drainage structures are not suitable in the Borough due to actively managed mine water levels and raising groundwater levels.

15.7 The application site is currently undeveloped Greenfield land. Ground levels within the site boundary fall from the north east to the south west and to the south east.

15.8 There are no existing open watercourses within the development site. The nearest watercourse is 50m to the south of the southern boundary of the development. This watercourse conveys flows eastwards and is then culverted beneath Station Road. It then flows south eastwards south of the residential dwellings before it confluences with the Wallsend Burn approximately 2km to the south east of the site. There is a second watercourse which flows to the west of the application site. This unnamed watercourse flows from north to south on the west side of the railway line and then confluences with the watercourse which is located to the south of the site.

15.9 A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted. This confirms that the application site lies within Flood Zone 1. The FRA acknowledges that there are pockets of low risk surface water flooding within the application site and areas that have been affected by flooding outside the application site.

15.10 The FRA advises that due to underlying conditions, the site is unlikely to be suitable for the use of infiltration drainage therefore the use of soakaways has been discarded. It is proposed that the surface water from the site will discharge into the watercourse to the south of Phase 3 and Northumbrian Water apparatus.

15.11 Surface water runoff from the development will be attenuated and stored prior to discharge into the watercourse or NWL sewer via Sustainable Urban Drainage Systems (SuDS). The installation of SuDS to attenuate and store surface water runoff will create betterment to the development and reduce overland flows into the watercourse to the south of the site. The SuDS features, which are likely to include detention basins, filter drains and underground

storage, will attenuate surface runoff from the development to the Greenfield rate for the southern section of the site (Phase 3). For the remainder of the site to the north (Phases 1 and 2), a discharge rate of 46l/s into the surface water sewer has been agreed with Northumbrian Water and the Council.

15.12 The applicant has advised that 7041 cubic metres of storage will be required for the entire site and to store surface water prior to discharge into the watercourse and the surface water sewer. The possible effects of climate change have been considered by acknowledging the requirement to make an allowance for increased rainfall in the calculation of surface water discharge rate over the lifespan of the development in line with NPPF. The above storage volume gives an allowance for a 40% increase in climate change.

15.13 The detailed design will accommodate runoff from all events up to and including the 1 in 100 year event, inclusive of an allowance for climate change, without producing any flooding off site.

15.14 Northumbrian Water has been consulted. They have raised no objections to the proposed development subject to the submitted Flood Risk Assessment (FRA) and Drainage Strategy being conditioned as part of the approved documents.

15.15 The Environment Agency (EA) has been consulted. They have raised no objections to the proposed development.

15.16 The Local Lead Flood Authority (LLFA) has been consulted. He has recommended conditional approval.

15.17 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is the view of officers, that subject to conditions to secure the detailed design of the SuDS, the proposed development accords with the relevant national and local planning policies.

#### 15.18 Agricultural land

15.19 NPPF states that LPA's should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, LPA's should seek to use areas of poorer quality land in preference to that of a higher quality.

#### 15.20 DM5.8 Soil and Agricultural Land Quality

Development of "best and most versatile" agricultural land will normally only be permitted where it can be demonstrated that:

- a. The need for the development clearly outweighs the need to protect such land in the long term; or,
- b. In the case of temporary/potentially reversible development (for example, minerals), that the land would be reinstated to its pre-working quality; and,
- c. There are no suitable alternative sites on previously developed or lower quality land.



The Council will require all applications for development to include realistic proposals to demonstrate that soil resources were protected and used sustainably, in line with accepted best practice.

15.21 Agricultural Land Classification (ALC) is a standardised method for classifying agricultural land. Best and most versatile agricultural land is classified grades 1 and 2 or subgrade 3a; whereas moderate, poor and very poor quality is designated subgrade 3b or grades 4 and 5. The ALC report submitted as part of this application confirms that the site is of low value (grade 3b). Therefore, it is the view of officers that the grade of agricultural land is not so great to warrant particular protection and the loss of this land would not cause significant harm to agricultural or forestry operations.

15.22 Members need to determine whether the loss of this agricultural land is acceptable. It is officer advice that it is.

#### 15.23 Archaeology

15.24 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.

#### 15.25 DM6.7 Archaeological Heritage

The Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

Developments that may harm archaeological features will require an archaeological desk based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this.

The results of the preliminary evaluation will determine whether the remains warrant preservation in-situ, protection and enhancement or whether they require full archaeological excavation in advance of development.

Should the loss of significance of the archaeological remains be outweighed by substantial public benefits so that preservation in-situ would not be justified, preservation by record will be required to be submitted to and agreed with the Local Planning Authority, and completed and the findings published within an agreed timescale.

15.26 The Tyne and Wear Archaeology Officer has been consulted. She has advised that the archaeological work in the northern part of the site (phases 1 and 2) was completed in 2012. A geophysical survey has been submitted for the southern part of the site (phase 3).

15.27 She has advised that archaeology works are required and has recommended conditional approval.

15.28 Members need to determine whether the proposed development is acceptable in terms of its impact archaeological heritage. It is officer advice that, subject to the imposition of the suggested conditions, the proposed development complies with both national and local planning policy.

#### 15.29 Contamination

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

#### 15.31 DM5.18 Contaminated and Unstable Land

Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and
- b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:
  - i. Removing the contamination;
  - ii. Treating the contamination;
  - iii. Protecting and/or separating the development from the effects of the contamination;
  - iv. Validation of mitigation measures; and
  - v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission.

15.32 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance (2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

15.33 The objections received relating to the site being a former landfill and subject of former mine workings are noted.

15.34 The Contaminated Land Officer has been consulted. She raises no objection to the development subject to conditions.

15.35 The Coal Authority has been consulted and has raised no objections.

15.36 Members need to determine whether the proposed development is acceptable in terms of whether the contaminated land can be appropriately mitigated. It is officer advice that, subject to the imposition of the suggested conditions, the proposed development accords with both national and local planning policy.

## 16.0 S106 Contributions

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

16.2 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 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 related in scale and kind to the development.

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

16.4 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 the 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.

## 16.5 S7.1 General Infrastructure and Funding

The Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure. This will include the use of combined and innovative funding schemes to maximise the amount and impact of funding.

New development may be required to contribute to infrastructure provision to meet the impact of that growth, through the use of planning obligations and other means including the Community Infrastructure Levy (CIL).

Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and,

b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable.

In determining the level of contributions required from a development, regard will be given to the impact on the economic viability of the scheme.

#### 16.6 DM7.2 Development Viability

The Council is committed to enabling viable and deliverable sustainable development.

If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this.

In these circumstances the Council may:

- a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development;
- b. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

#### 16.7 DM7.5 Employment and Skills

The Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
  - i. Are related to the proposed development; or,
  - ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

To deal with the impacts that arise from this development on existing infrastructure, contribution towards health, education and community provisions are being sought as part of this application. These contributions will ensure that the development will not have an unacceptable impact on local infrastructure provision.

16.8 The objections received regarding the impact on infrastructure are noted.

16.9 The contributions that can be secured and ensure a viable development are:  
-25% affordable housing provision on site

- £2,229,000.00 towards education (Primary £1,165,000.00 and Secondary £1,064,000.00)
- £287,012.00 towards health care to improve facilities of the three practices in Wallsend to meet the need of the increased population from this development
- £370,625.00 towards neighbourhood parks (£34,125.00 towards Benton Quarry and Wallsend Parks for access and infrastructure improvements and habitat creation/improvements) and £336,500.00 towards the Rising Sun Country Park for woodland thinning/habitat improvement, access and footpath improvements, grazing scheme and habitat improvements).
- £32,400.00 towards allotments towards delivering provision within the vicinity of the site.
- £383,853.00 towards sport and recreation (£191,425.00 towards sports pitches to improve facilities in the vicinity of the site, £66,416.00 towards swimming pools to improve facilities at the Lakeside Centre and Hadrian Leisure Centre, £126,012.00 towards sports hall to improve facilities at the Lakeside Centre and Hadrian Leisure Centre).
- £30,000.00 towards offsite connectivity for pedestrian/cycle routes between the southern end of the site to Redesdale School.
- Travel Plan – Delivery and Monitoring
- Employment and training – six apprentices

16.10 Provision for employment and training and the offsite ecology mitigation are to be included in the S106 Legal Agreement.

16.11 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.

### 17.0 Financial Considerations

17.1 The proposal involves the creation of 593 dwellings. The Government pays New Homes Bonus to local authorities to assist them with costs associated with housing growth and payments were first received in the financial year 2011/12. The payments are based on the net addition to the number of dwellings delivered each year, with additional payments made to encourage bringing empty homes back into use, and the provision of affordable homes. Granting consent for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

17.2 As the system currently stands, for North Tyneside, for the new increase in dwellings built in 2016/17, the Council will receive funding for the six years from 2018/19. It should be noted, however, that the Government are currently reviewing the operation of the New Homes Bonus Scheme, including reducing the numbers of years for which payments are made. This was outlined in the Government Consultation paper “New Homes Bonus: sharpening the incentive: technical consultation”, which they issued in December 2015. This Consultation closed on 10 March 2016, and the Government are yet to report their findings.

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

17.4 Officers have given weight, amongst all other material considerations, to the benefit accrued to the Council as a result of the monies received from central government.

#### 18.0 Other issues

18.1 Reference has been made by objections to the Human Rights Act. Article 8 of the Human Rights Act provides for everyone to have the right to respect for their family home and correspondence. This is subject to the proviso that there should be no interference by a public authority with the exercise of this right except where pursuing a legitimate aim in law as necessary in a democratic society. This right to a home is not absolute, but is subject to interference which is in accordance with the law. The report has assessed the planning merits of the proposal and its impact and it is considered that it would not be contrary to the Article 8 of the Human Rights Act.

#### 19.0 Conclusions

19.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

19.2 Specifically NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

19.3 The application site is designated as a housing site within the Council's Local Plan (2017). In terms of the impact of the development, the Consultees are satisfied that the development is acceptable in terms of its impact on the highway network, ecology, flood risk, contaminated and unstable land issues and its overall design and appearance. This development is required to assist in the delivery of the five year housing land supply which the Council is required to provide and will also make a substantial contribution towards affordable housing with the borough. In the light of the above, it is the view of officers overall that the development as it stands is acceptable.

19.4 Approval is therefore recommended.

**RECOMMENDATION: Minded to grant legal agreement req.**

**It is recommended that members indicate they are minded to approve the application subject to the conditions set out below and the addition or omission of any other considered necessary to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

**Members are recommended to 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 addition, omission or amendment of any**

**other conditions considered necessary. Members are also recommended to grant plenary powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;**

25% affordable housing provision on site

£2,229,000.00 towards education (Primary £1,165,000.00 and Secondary £1,064,000.00)

£287,012.00 towards health care to improve facilities of the three practices in Wallsend to meet the need of the increased population from this development

£370, 625.00 towards neighbourhood parks (£34,125.00 towards Benton Quarry and Wallsend Parks for access and infrastructure improvements and habitat creation/improvements) and £336,500.00 towards the Rising Sun Country Park for woodland thinning/habitat improvement, access and footpath improvements, grazing scheme and habitat improvements).

£32, 400.00 towards allotments towards delivering provision within the vicinity of the site.

£383, 853.00 towards sport and recreation (£191,425.00 towards sports pitches to improve facilities in the vicinity of the site, £66,416.00 towards swimming pools to improve facilities at the Lakeside Centre and Hadrian Leisure Centre, £126,012.00 towards sports hall to improve facilities at the Lakeside Centre and Hadrian Leisure Centre).

£30, 000.00 towards offsite connectivity for pedestrian/cycle routes between the southern end of the site to Redesdale School.

Travel Plan – Delivery and Monitoring

Employment and training – six apprentices

**Members are also requested to authorise that the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure:**

New roundabout junction at the site access (north)

Alterations to the roundabout junction at the site access (south)

New traffic signals with pedestrian and cycle crossing facilities at the junction of the A1058 (Coast Road) and A186 (Station Road North)

Toucan crossing on the A191 to the east of Proctor & Gamble connecting into existing routes

Localised road widening

Upgrade and widening of footpaths surrounding the site

Connection and enhancements to the continuous shared footway/cycleway on southern side of A191 (Whitley Road)

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders  
Associated street furniture & signage

### **Conditions/Reasons**

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

Ordnance survey plan Rev A  
Red line plan Dwg No. PL\_01 Rev B  
Phasing plan Dwg No. PL\_05 Rev B  
Density plan Dwg No. PAR\_02 Rev B  
Landscape masterplan Dwg No. 5794-99-002 Rev D  
Landscape zones Dwg No. 5794-99-003 Rev C  
Phase 1 Site layout Dwg No. SRW/A/GA/001 Rev C

House types:

Callerton Dwg No. CAL/CONT/01  
Callerton Dwg No. CAL/CONT/02  
Clayworth Dwg No. CLW/CONT/01  
Clayworth Dwg No. CLW/CONT/02

Glamis Dwg No. GLA/CONT/01  
Glamis Dwg No. GLA/CONT/02  
Horton Dwg No. HOR/CONT/01  
Horton Dwg No. HOR/CONT/02  
Laurel Dwg No. CY-WD01  
Kirkley Dwg No. KIR/CONT/01  
Kirkley Dwg No. KIR/CONT/02  
Kirkley Dwg No. KIR/CONT/03  
Polwarth Dwg No. POL/CONT/03  
Polwarth Dwg No. POL/CONT/04  
Roseden Dwg No. RSD/CONT/01  
Roseden Dwg No. RSD/CONT/02  
Seaton V1 Dwg No. SEA/ELEVS/02 & SEA/PLA/02  
Seaton V2 Dwg No. SEA/ELEVS/03

Flood Risk Assessment and Drainage Strategy Rev 4

Reason: To ensure that the development as carried out does not vary from the approved plans.



2. The residential development of phase A hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for phases 2 and 3 shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. The reserved matters shall be consistent with the design and access statement.

Reason: That these phases of your application are expressed in to be an outline application only.

4. Application for the approval of reserved matters for each phase shall be made to the Local Planning Authority not later than seven years from the date of this permission.

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

5. The development shall be built only in accordance with the sequence set out in the phasing plan.

Reason: To ensure the approved works and planting are undertaken at an appropriate time having regard to policy S1.4 of the North Tyneside Local Plan (2017).

6. The development hereby permitted shall include no more than 593 dwellings.

Reason: To ensure the development does not exceed the amount considered to be acceptable in the technical reports.

7. No groundworks or development shall commence in phase 3 of the development (as shown on Concept Architecture's drawing PAR\_05 dated 29.09.16) until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and policy DM6.7 of the North Tyneside Local Plan (2017).

8. The buildings within phase 3 of the development (as shown on Concept Architecture's drawing PAR\_05 dated 29.09.16) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 7 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and policy DM6.7 of the North Tyneside Local Plan (2017).

9. The buildings within phase 3 of the development (as shown on Concept Architecture's drawing PAR\_05 dated 29.09.16) shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Local Plan (2017) as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF and policy DM6.7 of the North Tyneside Local Plan (2017).

10. Restrict Hours No Construction Sun BH HOU00 \*  
4

11. Prior to the construction of any dwelling within each phase hereby permitted, no residential dwelling shall be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

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

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

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

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

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

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

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

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

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

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

12. Prior to the commencement of any development within each phase:

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

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

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

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be

provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

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

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

13. Notwithstanding Condition 1, prior to the commencement of any part of the development within each phase above damp proof course level a schedule and/or samples of all materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

14. Notwithstanding Condition 1, prior to the occupation of any residential dwelling within each phase details of all screen and boundary walls, fences and any other means of enclosure, including acoustic fencing where necessary and a trespass proof fence adjacent to Network Rail's boundary (minimum 1.8m high including provision for its future maintenance and renewal), shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail where necessary. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development protects the amenity of future occupants and to ensure a satisfactory environment within the

development having regard to policy DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

15. Notwithstanding Condition 1, prior to the commencement of any development within each phase, plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

16. Notwithstanding Condition 1, prior to the commencement of any development within Phase 3, adjacent to Network Rail's asset, a method statement outlining the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Network Rail. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for Network Rail approval.

Reason: In the interest of protecting Network Rail's assets.

17. Prior to the use of any vibro-compaction machinery, within Phase 3, details of such machinery and a method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. Thereafter the use of such machinery shall only be carried out in accordance with the approved method statement.

Reason: In the interests of protecting Network Rail's assets.

18. Notwithstanding Condition 1, prior to the commencement of any development within Phase 3 details of any lighting to be erected adjacent to the operational railway shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. Thereafter, the lighting shall be installed in full accordance with these agreed details.

Reason: In the interests of protecting Network Rail's assets.

19. Prior to the commencement of any works within Phase 3, adjacent to Network Rail's asset, full details of excavation and earthworks to be carried out near the railway undertaker's boundary fence shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail's Asset Protection Project Manager. Thereafter, the development shall not be carried out other than in accordance with these agreed details.

Reason: In the interest of protecting Network Rail's assets.

20. Notwithstanding Condition 1, prior to the occupation of any dwelling within Phase 1, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This noise scheme shall take into account future noise levels within the site, likely to be experienced within the next 15 years. The noise scheme shall include details of the acoustic glazing to ensure habitable bedrooms meet the good internal standard of 30 dB LAeq,T at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq,T in accordance to BS8233:2014. Thereafter, these agreed details shall be implemented prior to the occupation of any dwelling.

Reason: In order to protect the amenity of future occupants from undue noise and disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

21. Notwithstanding Condition 1, prior to the occupation of any dwelling within Phase 1, a ventilation scheme for habitable rooms shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2 of Approved Document F. Mechanical ventilation, with an extract vent in each eastern elevation serving habitable rooms, must be provided as a minimum for properties located to the eastern boundary of the site adjacent to the A186. For other properties an alternative passive acoustic ventilation shall be provided. The ventilation must meet the requirements of Building Regulations with windows closed. Thereafter, these agreed details shall be implemented prior to the occupation of any dwelling.

Reason: In order to protect the amenity of future occupants from undue noise and disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

22. Prior to the commencement of Phases 2 and 3 a noise scheme that considers both existing and future noise levels likely to be experienced, for the opening year of that phase of the development, or the next 15 years, whichever commences first, shall be submitted to and approved in writing by the Local Planning Authority. This noise scheme shall take into account noise levels arising from traffic, industrial noise to the north of the site and Newcastle United Sports Ground and scrap yard located to the west of the site and 24 hour rail noise from the adjacent line. The noise scheme shall include a detailed mitigation scheme to ensure suitable internal and external noise levels in with BS8233 and the World Health Organisation Community Noise guidelines. Habitable living rooms shall achieve a standard of 35 db LAeq,T for daytime and bedrooms to meet a good internal standard of 30 dB LAeq,T at night. Gardens shall achieve a noise level of no more than 55 dB LAeq 16 hours.

Reason: In order to protect the amenity of future occupants from undue noise and disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

23. Any residential development adjacent to the western boundary shall be set back a distance of 45 metres from the railway line to ensure noise exposure levels from the rail line are met as specified within noise report no. 246.58/2

unless first agreed in writing by the Local Planning Authority in consultation with Network Rail.

Reason: In order to protect the amenity of future occupants from undue noise and disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

24. Notwithstanding Condition 1, prior to the occupation of any development within Phase 2 details of the acoustic mitigations measures to attenuate noise from the scrap yard shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these agreed mitigation details shall be installed in full accordance with these details prior to the occupation of the relevant residential unit and shall be permanently retained.

Reason: In order to protect the amenity of future occupants from undue noise and disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

25. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development, including tree protection where necessary. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

26. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway

safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

27. Notwithstanding Condition 1, prior to the commencement of development a detailed scheme for the following off site highway works shall be submitted to and approved in writing by the Local Planning Authority:

- Toucan crossing on the A191 to the east of Proctor and Gamble connecting into existing routes prior to the occupation of 175 dwellings
  - Connection and enhancements to the continuous shared footway/cycleway on southern side of A191 (Whitley Road) with enhanced pedestrian/cycle refuge crossing the A186 (Station Road) prior to the occupation of 50 dwellings
  - Localised widening of the eastbound approach of the A191 (Whitley Road) and A186 (Station Road) roundabout prior to the occupation of 250 dwellings
  - New roundabout junction at the site access (north) prior to the occupation of 175 dwellings
  - Alterations to the roundabout junction at the site access (south) including the introduction of an additional arm to allow access into the site prior to occupation
  - Introduction of traffic signals with pedestrian crossing facilities at the junction of the A186 (Station Road) at Hotspur Road including localised widening prior to the occupation of 100 dwellings
  - Localised widening of the approaches to the existing roundabout on the A186 (Station Road), Mullen Road and Wiltshire Drive junction prior to the occupation of 50 dwellings
  - Alteration to the layout, localised widening and new traffic signals with pedestrian and cycle crossing facilities at the junction of the A1058 (Coast Road) and A186 (Station Road North) prior to the occupation of 150 dwellings
  - Upgrade and widening of footpaths surrounding the site prior to the occupation of 100 dwellings
  - Associated street lighting
  - Associated drainage
  - Associated road markings
  - Associated Traffic Regulation Orders
  - Associated street furniture and signage
- Thereafter, these agreed works shall be implemented in accordance with these agreed details and within the timescales set out.

Reason: This information is required at the outset, in order to minimise danger, obstruction and inconvenience to users of the highway and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

28. Notwithstanding Condition 1, prior to the commencement of each phase details of the adoptable estate roads and footways have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out and constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).



29. No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

30. Within six month(s) of the new/altered access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb/removing the existing bellmouth and reinstating the footway verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

31. Notwithstanding Condition 1, prior to the first occupation of each phase an area shall be laid out within the site for refuse vehicles to turn in accordance with the approved drawing and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

32. Notwithstanding Condition 1, prior to the commencement of each phase details of traffic calming measures to 20mph shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To 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 DM7.4 of the North Tyneside Local Plan (2017).

33. Notwithstanding Condition 1, prior to the commencement of each phase details of the disposal of surface water from the highway, footpaths and other hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: To provide a satisfactory means of surface water drainage having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

34. Notwithstanding Condition 1, prior to the commencement of each phase the scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of each residential dwelling hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

35. Notwithstanding Condition 1, prior to the commencement of each phase details of facilities to be provided for the storage of refuse at the premises shall

be 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 each dwelling hereby approved and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

36. Notwithstanding Condition 1, prior to the commencement of each phase a scheme for the provision of secure undercover cycle parking 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: In the interests of highway safety having regard to policy DM7.4 of the North Tyneside Council Local Plan (2017).

37. Notwithstanding Condition 1, prior to the commencement of each phase a scheme for the provision of pedestrian and cycle links to the existing pedestrian and cycle network for that phase and a timetable for its implementation 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: In the interests of highway safety having regard to Policy DM7.4 of the North Tyneside Local Plan (2017).

38. Notwithstanding Condition 1, prior to the commencement of any development within Phase 2 a detailed scheme for Public Right of Way temporary closures shall be submitted to and approved by in writing the Local Planning Authority. These details shall include any necessary traffic calming features and a timetable for its implementation. Thereafter this scheme shall be implemented in accordance with the approved plans

Reason: In the interests of users of the Public Right of Way network having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

39. Notwithstanding Condition 1, prior to the commencement of any development within each phase details of a foul and surface water management scheme shall be submitted to and approved by in writing the Local Planning Authority. This scheme shall include details of future maintenance, including zero tolerance for breeding geese species and techniques to discourage nesting and the results shall be monitored throughout the breeding season, and shall demonstrate that all surface water will be captured, controlled and attenuated within the site and discharged at the agreed discharge rates set out in the Flood Risk Assessment. Thereafter the proposed scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management having regard to policies DM5.12, DM5.13, DM5.14 and DM5.15 of the North Tyneside Local Plan (2017).

40. Notwithstanding Condition 1, prior to the commencement of any development within each phase a detailed construction/pollution prevention monitoring plan shall be submitted to and approved in by the Local Planning Authority. This scheme shall include a timetable for its implementation and detail

pollution prevention measures to ensure that there will be no contamination or pollutants entering nearby watercourses, wetlands or land. Thereafter, development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset to safeguard important habitats and species of nature conservation value having regard to NPPF.

41. Notwithstanding Condition 1, prior to the commencement of Phase 1, detailed plans of the surface water management areas, including the swales to the north of Plots 157-161 and the dry SuDS shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport. There shall be no islands in the SuDS ponds and the pond banks shall be planted with a continuous border of Common Reed *Phragmites australis*. These details shall include details of the size, depths, profiles, planting designs and goose proof fencing. Thereafter, these surface water management areas shall be carried out in full accordance with these agreed details and shall be fully implemented prior to the occupation of the first dwelling.

Reason: To prevent flood risk in accordance with NPPF and having regard to policies DM5.12, DM5.13, DM5.14 and DM5.15 of the North Tyneside Local Plan (2017).

42. Notwithstanding Condition 1, prior to the commencement of any development within Phases 2 and 3, detailed plans of the surface water management areas, including the swales to the north of the plots to the west of plot 175 and the SuDS shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport. There shall be no islands in the SuDS ponds and the pond banks shall be planted with a continuous border of Common Reed *Phragmites australis*. These details shall include details of the size, depths, profiles, planting designs and goose proof fencing. Thereafter, these wetland areas shall be carried out in full accordance with these agreed details and shall be fully implemented prior to the occupation of the first dwelling within each phase.

Reason: To prevent flood risk in accordance with NPPF and having regard to policies DM5.12, DM5.13, DM5.14 and DM5.15 of the North Tyneside Local Plan (2017).

43. Notwithstanding Condition 1, prior to the commencement of any development within Phase 3 details of a replacement grill for the culvert adjacent to Wiltshire Drive shall be submitted to and approved by in writing the Local Planning Authority. This scheme shall include details of future maintenance. Thereafter the proposed scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management having regard to policies DM5.12, DM5.13, DM5.14 and DM5.15 of the North Tyneside Local Plan (2017).

44. Notwithstanding Condition 1, prior to the commencement of any development within Phase 1 a detailed landscaping plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport for a scheme of landscaping, which shall include full details of the area identified as Phase 1 on the Phasing Plan Dwg No. PAR\_05 Rev B. These details shall include, not less than the amount of planting

stated on the Landscape Zones Plan Dwg No. 5794-99-003 and as appropriate: written specifications including cultivation and other operations associated with plant and grass establishment; Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; Implementation timetables. Where appropriate, emphasis should be on the planting of native tree and shrub planting to enhance biodiversity. Consideration should be given to additional tree planting within the residential streetscene with opportunities made for improving the numbers of street trees planted within the highways to allow improved connectivity throughout the development. 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 commencement of Phase 1; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interest of ecology having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

45. Notwithstanding Condition 1, prior to the commencement of any development within Phase 2 and 3 a detailed landscaping plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include full details of the area identified as Phase 2 and Phase 3 on the Phasing Plan Dwg No. PAR\_05 Rev B. These details shall include, not less than the amount of planting stated on the Landscape Zones Plan Dwg No. 5794-99-003 and as appropriate: written specifications including cultivation and other operations associated with plant and grass establishment; Schedules of plants (for Phase 3 must not include species considered to be unacceptable by Network Rail), noting species, planting sizes and proposed numbers/densities where appropriate; Implementation timetables. Where appropriate, emphasis should be on the planting of native tree and shrub planting to enhance biodiversity. Consideration should be given to additional tree planting within the residential streetscene with opportunities made for improving the numbers of street trees planted within the highways to allow improved connectivity throughout the development. 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 commencement of each phase; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: To safeguard important habitats and species of nature conservation value having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

46. Notwithstanding Condition 1, prior to the commencement of any development within each phase a detailed 'Management and Maintenance Plan' for the long term management of landscaping and wildlife habitats within the application site shall be submitted to and approved in writing by the Local

Planning Authority. This plan shall include long term design objectives, management responsibilities, timescales and maintenance schedules for all landscaped, grassed or paved areas other than privately owned domestic gardens or land adopted by the Highway Authority under the provisions of Section 38 of the Highways Act 1980. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

Reason: To safeguard important habitats and species of nature conservation value having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

47. Notwithstanding Condition 1, prior to the commencement of any development within each phase a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the location and type of lighting to be installed, including low level lighting adjacent to the cycle path shown on the Landscape Masterplan Dwg No. 5794-99-002 Rev D in the northern landscape buffer and any shared driveways adjacent to hedgerows and areas of sensitive habitat. These details must demonstrate how light spill will be avoided in and to areas of sensitive habitat, in particular, the new landscape buffer areas surrounding the proposed housing. Thereafter, the lighting shall be installed in full accordance with these agreed details and permanently retained unless first agreed in writing by the Local Planning Authority.

Reason: To safeguard important habitats and species of nature conservation value having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

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

Reason: This is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

49. Notwithstanding Condition 1, prior to the commencement of any development within each phase a Great Crested Newt working method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

50. Notwithstanding Condition 1, prior to the commencement of any development within Phase 1 details of the following bird boxes, platforms and their location and details of bat roost features and their location shall be submitted to and approved in writing by the Local Planning Authority:

-10no. Tree sparrow nest boxes to be installed in suitable locations within or adjacent to the application site.

- 20no. Nest boxes suitable for house sparrow and starling to be incorporated into garages within the development.
- 15no. Open fronted and hole nest boxes to be installed in suitable locations within the site.
- 7no. Swallow boxes/platforms to be mounted on garages within the site.
- 20no. Bat roost features to be included within the new build residential properties.

The above details shall include a timetable for their implementation. Thereafter, these details shall be installed in full accordance with these agreed details prior and shall be permanently retained.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

51. Notwithstanding Condition 1, prior to the commencement of any development within each phase that may impact on the Wallsend Burn Watercourse an otter/water vole checking survey shall be undertaken and this survey shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

52. Notwithstanding Condition 1, prior to the commencement of any development within each phase a pre-construction badger checking survey shall be undertaken and this survey shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

53. Notwithstanding Condition 1, prior to the commencement of any development within each phase a working method statement for badger shall be submitted to and approved in writing by the Local Planning Authority. This statement must ensure that site clearance and construction works do not impact on this species. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

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

Reason: In the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

55. All existing trees shall be retained, unless shown on the approved drawings as being removed. All existing trees, shrubs and other natural features not

scheduled for removal shall be fully protected during the course of the residential site works and building operations in accordance with BS 5837: 2012. No work shall commence on site within the relevant development phase until all trees, shrubs or features to be protected within that phase are fenced along a line to be agreed with the Local Planning Authority with fencing as detailed in the Arboricultural Impact Assessment. All fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior approval of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Local Planning Authority.

Reason: This information is required from the outset to ensure that existing trees are adequately protected having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

56. Details of any pruning works to retained trees within the site and adjacent to, shall be submitted to and approved in writing by the Local Planning Authority prior to the necessary building operations and/or access, and shall be carried out in advance of other operations under the expert supervision of a suitably qualified arboricultural consultant. Thereafter the pruning works shall only be carried out in accordance with these agreed details and all works should comply with the relevant recommendations of BS 3998:2010 (Tree Work).

Reason: This information is required from the outset to ensure that existing trees are adequately protected having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

57. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on or immediately adjoining the site shall be protected from damage for the duration of works on the site in accordance with British Standard BS 5837:2012. Any parts of hedges or hedgerows removed without the Local Planning Authority's approval or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development (which shall have been notified in writing to the Local Planning Authority) shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Local Planning Authority.

Reason: This information is required from the outset to ensure that existing trees are adequately protected having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

58. Notwithstanding Condition 1, prior to the commencement of any development within Phase 2 details for the provision of a Locally Equipped Area of Play (LEAP) 3 shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a play area of no less than

800sqm and shall provide seven items of play equipment. Thereafter, these agreed details shall be fully installed and be operational prior to the construction of any dwelling within Phase 2 above damp proof course level and shall be permanently maintained and retained.

Reason: To provide a good range of play experiences for a range of children's ages having regard to Policy DM6.1 of the North Tyneside Local Plan (2017)

59. Notwithstanding Condition 1, prior to the commencement of any development within Phase 1 an updated Bird Strike Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport. This assessment must demonstrate that the off site mitigation land shall not attract breeding geese species.

Reason: This is required from the outset of the development in the interests of aviation safety having regard to NPPF.

60. There shall be no built development in the area of non build land surrounding the listed buildings, as shown on the Landscape Zones Dwg No. 5974-99-003.

Reason: To ensure that the existing heritage assets are protected from any built development having regard to policy S6.5 and DM6.6 of the North Tyneside Local Plan (2017) and 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**

-Drainage We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site. Water must not be caused to pond on or near railway land either during or after any construction-related activity. The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment. The construction of soakaways within any lease area is not permitted. The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing. The construction of surface water retention ponds/tanks,



SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing. If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

- Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

- Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution. No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent. There must be no interfering with existing drainage assets/systems without Network Rail's written permission. The purchaser is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton ([matthew.shelton@networkrail.co.uk](mailto:matthew.shelton@networkrail.co.uk)) for further information and assistance.

- Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

- Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

- Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

- Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. There are several hammerhead junctions and parking areas proposed adjacent to the railway where this would be applicable.

- OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as

below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway. -Encroachment The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal. -Access to Railway All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. Network Rail is required to recover all reasonable costs associated with facilitating these works.

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

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

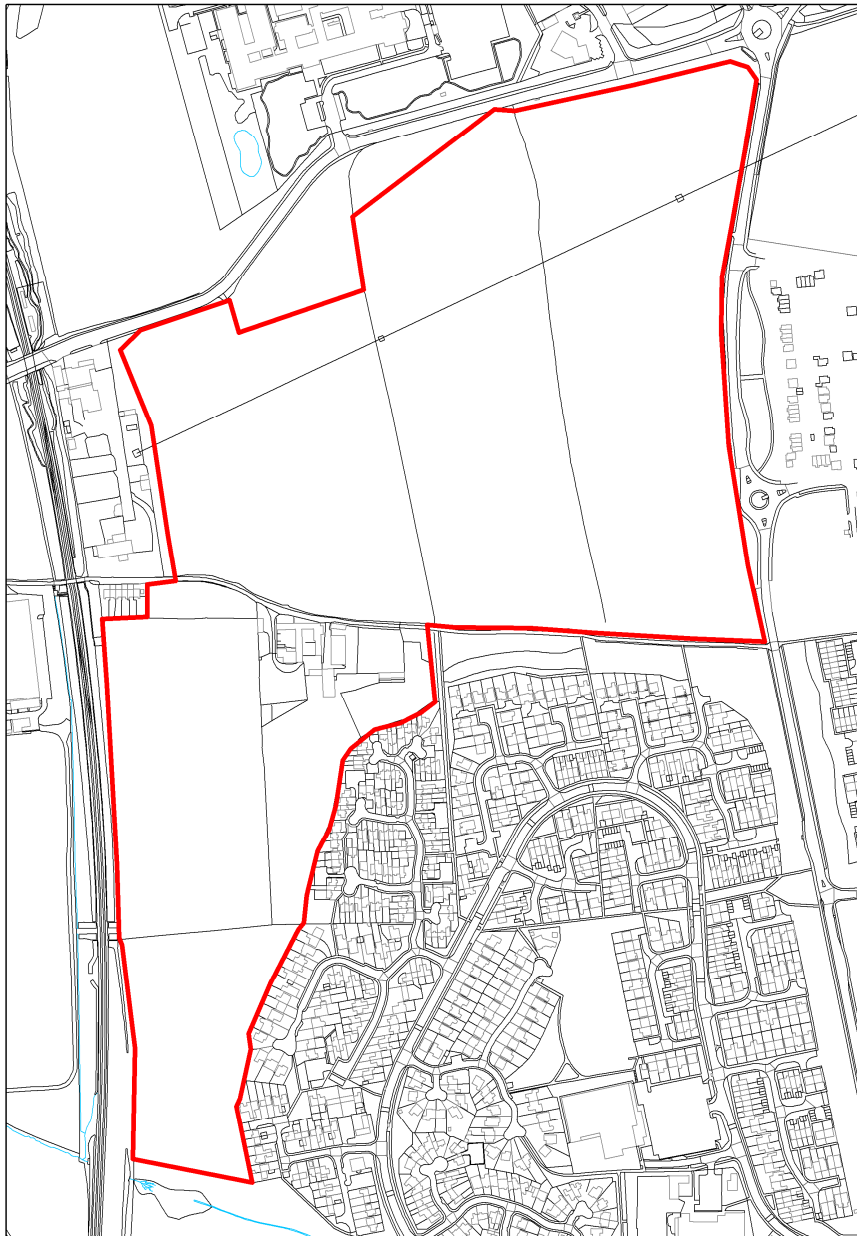
Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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

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

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



**Application reference: 16/01885/FUL**

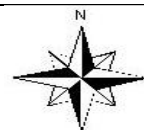
**Location: Land To The West of Station Road North And, Land South Of East Benton Farm Cottages, Station Road North**

**Proposal: Hybrid application; Outline application for approximately 418 residential dwellings (C3 use) with associated highways, infrastructure and landscaping, all matters reserved with the exception of access. Full planning permission for 175 dwellings (C3 use) with associated infrastructure, landscaping, Sustainable Urban Drainage system and access**

Not to scale

Date: 07.09.2017

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## **Appendix 1 – 16/01885/FUL Item 1**

### **Consultations/representations**

#### 1.0 Ward Councillors

##### 1.1 Councillor Andy Newman

1.2 Councillor Newman has requested speaking rights and submitted the following objections:

- Adverse effect on wildlife
- Inadequate drainage
- Inadequate parking provision
- Inappropriate design
- Nuisance: disturbance, dust, dirt, fumes, noise
- Out of keeping with surroundings
- Poor traffic/pedestrian safety

1.3 I am writing in regards to the above planning application and to highlight my objections as well as the objections raised by many residents with me during several street visits.

1.4 The land suffers from poor drainage and often floods even after light showers. I met with members of Persimmons who were holding a public consultation and after listening to their plans to deal with flooding I was less than satisfied that the plans were adequate.

1.5 Traffic congestion is a major problem especially around Station Road. This development cannot be taken in isolation and when we take into account the development to the East of Station Road, the development of the former Parkside School site as well as this development then the end result could be around 1200 additional cars and this is, I believe, a 'low' estimate as many families have two cars, so the actual number could be closer to 2000. Again, after meeting with members of the Persimmons team I was less than satisfied that there was adequate works to compensate for the increase in traffic.

1.6 This is the last green-field site left in the Wallsend area. The loss of this open space, will be a blow to the community as it is used by many, from dog walkers to children who will be unable to continue enjoying this area and suffer as a result of its loss.

1.7 The area sits on the site of historic mine workings and the risk of subsidence must be increased because of this. I feel it would be risky to allow buildings to be built on this site.

1.8 Since being informed of this application, I have spent the time since then to now consulting with the residents and the overwhelming majority are against this development. The concerns raised are similar to those raised above. I therefore hope the committee will take careful consideration of my objections as well as the many objections raised by residents and ultimately reject this application.

### 1.9 Councillor Nigel Huscroft

-Major traffic congestion in the area, residents have complained for some considerable time about the traffic congestion on Station Road North, this has been worse recently with road works associated with the development to east of Station Road North, but if this development goes ahead, this could well be the norm, as Station Road North cannot cope with such a large new influx of traffic, which will be generated by building family homes here.

-Drainage problems – The houses in Parklands and parts of Hadrian Lodge West have suffered flooding in the past, little has been done here to remedy this problem, more housing will make it worse.

-Historic mine workings – have been well documented in the past, they have to have a bearing on any proposed housing developments, there must surely be an increased risk of subsidence issues to them and existing housing.

-Loss of open space – Many Wallsend residents have enjoyed walking in this tradition farmland area, children have played in the area, now instead of green fields there will be only housing.

-Can local schools cope with the number of children who will come to live in family housing here, taking into consideration that houses have recently been built on the former Parkside School site and the neighbouring development to the east of Station Road North is scheduled to continue for several years.

1.10 I hope the Committee will take into careful consideration the above points and others from residents who wish this application to be rejected.

### 1.11 Councillor Marian Huscroft

-Loss of visual amenity and the effects to the environment – this area has been open space/farmland for a very long time; as such residents and passers by have been able to enjoy this area. For it to become just another built up area will be a serious loss of amenity space.

-Natural break/buffer between the communities of Wallsend and Benton – There has always been a break between the two community areas and this has always been regarded as important, while the two communities may have similarities they are also distinct and the buffer should remain.

-Effects on nature and wildlife – There have been several sightings of wildlife in this area, including foxes etc., there are considerable fauna, bushes etc., growing here. It is also a bird flight for birds migrating and returning.

-Station Road traffic problems – there have been hold ups for road users on Station Road North for many years, I find it hard to reconcile that this road has not reached capacity as I am sure residents who travel daily must also find, at key times, it is a very slow moving road. Increasing the volume by building more family houses must only exacerbate an already difficult problem. There is only Station Road for the traffic to come out on, whether they use the nearest junction or one of the others, they are still using Station Road.

-Rising Sun Mine – There are pit shafts under the fields where it is suggested building, residents in Sunholme, a short distance away, have experienced subsidence issues, much more stringent testing should take place here to ensure there would be no such issues for any new housing.

-Flooding – When Station Road flooded in 2012, a number of properties in both Hadrian Lodge East and West were affected, as were properties in Parklands. Building more houses here and taking away an open space which acts as a flood plain must increase the risk to flooding.

-As there is now new housing developments, to the east of Station Road, there is more pressure on drains, on school places, leisure services, and less reason to build more houses in the area. Residents need open spaces; if this goes ahead there will be none north of the Coast Road in Wallsend. There is more reason than ever to retain a break between housing and keep the buffer.

1.12 I ask the Committee to consider these observations when making their decision, and I hope they will reject this application.

## 2.0 Internal Consultees

### 2.1 Highways Network Manager

2.2 A Transport Assessment (TA) has been included as part of the application that assessed the local highway network and was tested in the Council's Micro-simulation Transport Model. It is considered that impact of the development on the highway network will not be severe given the various improvements already committed along the A186 corridor associated the development to the east of Station Road North (12/02025/FUL). These improvements include:

- New roundabout junction to the south of the site
- Secondary T-junction access to the north of the site
- Traffic signals at the junction of Hotspur Road
- Localised widening at the junction of Mullen Road and Wiltshire Drive
- Improvements to the junction with the A1058 Coast Road
- Improvements to junction of A186 Station Road and A191 Whitley Road roundabout

2.3 Nonetheless, further improvements are considered necessary to the junction of A1058 (Coast Road) and A186 (Station Road North) and A186 Station Road and A191 Whitley Road roundabout to accommodate the additional traffic associated with this development.

2.4 In addition to the above, improvements to footpath and cycle links as well as Public Rights of Way serving the site and surrounding areas are also considered to be necessary. These measures will improve connectivity to shops, schools and employment areas.

2.5 A Framework Travel Plan (TP) has also been included as part of the application, that seeks to reduce car usage associated with the site by various measures. The TP seeks to reduce car usage associated with the site by various measures and has been amended to include the option of two four-weekly Network One all zone travel passes per dwelling and the option of an electric charging point for each dwelling with on-site parking.

2.6 Parking has been provided in accordance with the standards set out in LDD12 and the site has appropriate highway layouts with suitable turning areas as well as good pedestrian & cycle connectivity throughout the site.

2.7 For these reasons and on balance, conditional approval is recommended.

2.8 Recommendation - Conditional Approval

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

- New roundabout junction at the site access (north)
- Alterations to the roundabout junction at the site access (south)
- New traffic signals with pedestrian and cycle crossing facilities at the junction of the A1058 (Coast Road) and A186 (Station Road North)
- Toucan crossing on the A191 to the east of Proctor and Gamble connecting into existing routes
- Localised road widening
- Upgrade and widening of footpaths surrounding the site
- Connection and enhancements to the continuous shared footway/cycleway on southern side of A191 (Whitley Road)
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture and signage

2.10 The applicant will be required to enter into a Section 106 Agreement for the following:

- £30,000 for improvements to connectivity for pedestrian/cycle routes between the southern end of the site to Redesdale School
- £12,000 per annum for Travel Plan delivery and monitoring for the duration of construction and two years post occupation of the development. The payment for the first five years (£60,000) shall be paid on commencement of development; further payments of £12,000 per year shall be paid each year thereafter until completion of the development and for two years post completion.

2.11 Conditions:

- ACC02 - House Est: Details, Adopt Roads, No Occ
- ACC10 - New Access: Access before Devel
- ACC17 - Exist Access Closure: Misc Points, By \*6 months
- ACC25 - Turning Areas: Before Occ
- ACC27 - Traffic calming measures to 20mph
- DRN02 - Housing Est: Details, Road Drainage, No Occ
- PAR04 - Veh: Parking, Garaging before Occ
- REF01 - Refuse Storage: Detail, Provide Before Occ
- SIT07 - Construction Method Statement (Major)
- SIT08 - Wheel wash

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

No development shall commence until a scheme for the provision of pedestrian & cycle links to the existing pedestrian & cycle network 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.

The option of two four-weekly Network One all zone travel passes per dwelling.

The option of an electric charging point for each dwelling with on-site parking

Notwithstanding Condition 1, the development hereby approved shall be carried out in full accordance with the submitted Travel Plan unless otherwise agreed in writing by the Local Planning Authority.

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

Notwithstanding Condition 1, prior to the commencement of development a detailed scheme for the following off site highway works shall be submitted to and approved in writing by the Local Planning Authority:

- Toucan crossing on the A191 to the east of Proctor and Gamble connecting into existing routes prior to the occupation of 175 dwellings
- Connection and enhancements to the continuous shared footway/cycleway on southern side of A191 (Whitley Road) with enhanced pedestrian/cycle refuge crossing the A186 (Station Road) prior to the occupation of 50 dwellings
- Localised widening of the eastbound approach of the A191 (Whitley Road) and A186 (Station Road) roundabout prior to the occupation of 250 dwellings
- New roundabout junction at the site access (north) prior to the occupation of 175 dwellings
- Alterations to the roundabout junction at the site access (south) including the introduction of an additional arm to allow access into the site prior to occupation
- Introduction of traffic signals with pedestrian crossing facilities at the junction of the A186 (Station Road) at Hotspur Road including localised widening prior to the occupation of 100 dwellings
- Localised widening of the approaches to the existing roundabout on the A186 (Station Road), Mullen Road and Wiltshire Drive junction prior to the occupation of 50 dwellings
- Alteration to the layout, localised widening and new traffic signals with pedestrian and cycle crossing facilities at the junction of the A1058 (Coast Road) and A186 (Station Road North) prior to the occupation of 150 dwellings
- Upgrade and widening of footpaths surrounding the site prior to the occupation of 100 dwellings
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture and signage

Thereafter, these agreed works shall be implemented in accordance with these agreed details and within the timescales set out

Reason: This information is required at the outset, in order to minimise danger, obstruction and inconvenience to users of the highway and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

No development shall commence until a detailed scheme for Public Right of Way temporary closures has been submitted to and approved by in writing the Local

Planning Authority. Thereafter this scheme shall be implemented in accordance with the approved plans

Reason: In the interests of users of the Public Right of Way network.

Notwithstanding the submitted details, details of traffic calming features at the points where the Public Right of Way and unrecorded route cross the estate roads shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the traffic calming features shall be installed and in accordance with the approved details.

Reason: In the interests of highway safety.

2.12 Informatives:

I05 - Contact ERH: Construct Highway Access

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

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

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

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

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

### 2.13 Local Lead Flood Authority (LLFA)

2.14 As part of the application a Flood Risk Assessment (FRA) was submitted. The site is located in Flood Zone 1 (low risk). Surface water will be attenuated within the site and discharged into the nearby watercourse or the NWL sewer at agreed rates including 1 in 100 year events and taking into consideration climate change. For these reasons and on balance, conditional approval is recommended.

### 2.15 Recommendation - Conditional Approval

2.16 Conditions:

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. This scheme shall include details of future maintenance. Thereafter the proposed scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management

Notwithstanding Condition 1, prior to the commencement of development a scheme detailing pollution prevention measures to ensure that there will be no contamination or pollutants entering nearby watercourses, wetlands or land. Thereafter, development shall be carried out in accordance with these agreed details.

Reason: To safeguard important habitats and species of nature conservation value having regard to NPPF.

Notwithstanding Condition 1, prior to the commencement of Phase 1, detailed plans of the surface water management areas, including the swales to the north of Plots 157-161 shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of the size, depths, profiles and planting designs. Thereafter, these wetland areas shall be carried out in full accordance with these agreed details and shall be fully implemented prior to the occupation of the first dwelling.

Reason: To prevent flood risk in accordance with NPPF.

Notwithstanding Condition 1, prior to the commencement of Phases 2 and 3, detailed plans of the surface water management areas, including the swales to the north of the plots to the west of plot 175 shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of the size, depths, profiles and planting designs. Thereafter, these wetland areas shall be carried out in full accordance with these agreed details and shall be fully implemented prior to the occupation of the first dwelling within each phase.

Reason: To prevent flood risk in accordance with NPPF.

No development shall commence until details of a replacement grill for the culvert adjacent to Wiltshire Drive have been submitted to and approved by in writing the Local Planning Authority. This scheme shall include details of future maintenance. Thereafter the proposed scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management

#### 2.17 Landscape Architect

2.18 Revised landscape masterplan (drawing 5794-99-002 Rev D) and revised landscape zone plan (drawing 5794-99-003 Rev C)

2.19 The landscape masterplan shows three major key areas: the provision of extensive areas of new public open space to the north with the residential development to the west of Station Road and development to the south, each with associated landscape planting.

2.20 The design has evolved from various discussions with the developer and as a result, in terms of landscape design, the development is set within a strong landscape framework of existing tree cover and new tree and shrub planting. Collectively this will visually contain the development within the local and wider landscape as well as providing attractive well-functioning connected external spaces with defined settlement edges. However there are concerns that there is a shortfall in meeting the design principles associated with biodiversity and

habitat establishment, and the level of mitigation for the loss of the existing landscape and wildlife habitat. This will be assessed separately by the Council's Biodiversity Officer. However, along with some improvements to the landscape design, which can be dealt with by conditions, the scheme should deliver a visually comprehensive landscape scheme that responds appropriately to the aims and objectives of habitat protection and development.

#### 2.21 Proposed conditions:

-All existing trees shall be retained, unless shown on the approved drawings as being removed. All existing trees, shrubs and other natural features not scheduled for removal shall be fully protected during the course of the residential site works and building operations in accordance with BS 5837: 2012. No work shall commence on site within the relevant development phase until all trees, shrubs or features to be protected within that phase are fenced along a line to be agreed with the Local Planning Authority with fencing as detailed in the Arboricultural Impact Assessment. All fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior approval of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Local Planning Authority.

-Details of any pruning works to retained trees within the site and adjacent to, shall be submitted to and agreed in writing by the Local Planning Authority prior to the necessary building operations and/or access, and shall be carried out in advance of other operations under the expert supervision of a suitably qualified arboricultural consultant. All works should comply with the relevant recommendations of BS 3998:2010 (Tree Work).

-All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on or immediately adjoining the site shall be protected from damage for the duration of works on the site in accordance with British Standard BS 5837:2012. Any parts of hedges or hedgerows removed without the Local Planning Authority's approval or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development (which shall have been notified in writing to the local Planning Authority) shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Local Planning Authority.

-Prior to the commencement of the residential development full details of the soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: written specifications including cultivation and other operations associated with plant and

grass establishment; Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; Implementation timetables. Where appropriate, emphasis should be on the planting of native tree and shrub planting to enhance biodiversity. Consideration should be given to additional tree planting within the residential streetscene with opportunities made for improving the numbers of street trees planted within the highways to allow improved connectivity throughout the development.

-All planting, seeding or turfing contained in the approved details of landscaping for each residential phase shall be carried out in the first planting and seeding seasons following the completion of that phase, and any trees or plants which within a period of five years from the completion of the final 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 approval to any variation.

-All builders' and contractors' compounds, site huts, and storage of plant and materials for the commercial development shall be located in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to any development taking place. The plan should show areas of tree protection so that retained trees and shrub areas are protected.

-Prior to the first occupation of the development hereby permitted a 10 year landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscaped, grassed or paved areas, other than privately owned domestic gardens or land adopted by the Highway Authority under the provisions of Section 38 of the Highways Act 1980, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

#### 2.22 Ecology Officer

2.23 The above application at Station Road West is for outline permission for the construction of 418 dwellings and associated infrastructure as well as a full application for 175 dwellings with associated infrastructure, landscaping and sustainable urban drainage.

2.24 Supporting information submitted for this application includes a range of ecological surveys and associated landscape plans which are discussed below:

#### 2.25 Habitat Surveys

#### 2.26 Preliminary Ecological Appraisals (west) and (south)

2.27 Habitats on site were considered to be of low to local ecological value, with the majority of the site being comprised of arable land of low value. Hedgerows on site and forming field boundaries provide nesting and foraging habitat as well as connectivity and wildlife links to tree and scrub cover on adjacent land.

2.28 No evidence of badger activity was recorded within the site, however, it was concluded that it was possible for individuals to forage within the site at times and

there is also a risk that outlier setts may be created within hedgelines or the margins of off-site plantation woodland.

2.29 The site was concluded to be of no more than local value to butterflies and did not provide a suitable mosaic of habitats for use by reptiles.

2.30 The impacts of the development include the loss of the following habitats:-

- 6 ha of semi-improved grassland
- 23.5ha of arable land
- Approximately 1000 linear metres of species poor hedgerow
- Loss of occasional scattered scrub

2.31 The loss of the above habitats, as well as impacting on breeding birds and foraging bat species, may also impact badger foraging, butterflies and priority species such as hedgehog.

2.32 In addition to habitat loss and impacts on wildlife species, the scheme will also have an adverse impact on adjacent greenspace/recreational areas. The Rising Sun Country Park and Benton Quarry, in particular, will be impacted by the additional pressures of an increase in residents using these parks.

#### 2.33 Proposed Mitigation

- Enhancing approximately 1115 linear metres of hedge through gapping up and inclusion of broadleaved tree specimens.
- Creation of approximately 2160 linear metres of new native hedgerow.
- Creation of 300 linear metres of new native hedge in the off-site compensation area.
- Creation of 4.15ha of broadleaved native woodland and 0.98 of woodland edge.
- Creation of 2.69ha of species rich grassland.
- Creation of 1.31ha of amenity tree and scrub planting.
- Creation of 0.25ha of native scrub in the off site compensation area.
- Creation of swales and SuDs as part of scheme and creation of grasslands surrounding wetlands.
- Avoidance of high intensity lighting and light spillage into areas of retained and newly created habitat.
- Financial contribution for the Rising Sun Country Park and Benton Quarry Park to ensure the upkeep and management of recreational facilities and wildlife habitats.

#### 2.34 Protected Species Surveys

##### 2.35 Breeding Bird Surveys

2.36 Breeding bird survey for Station Road West (northern fields) found 69 territories of 24 breeding bird species. 8 of these are of conservation concern and 6 species are UK National Priority Species which include grey partridge, skylark, linnet, house sparrow, song thrush and dunnock. The site is valued as district value for its breeding bird assemblage and is considered likely to support greater than 1% of the grey partridge and skylark pairs present in North Tyneside.

2.37 The breeding bird survey for the south west fields found 108 territories of 28 species in the study area and surrounding 50m buffer zone, with 20 territories of

10 species found within the site itself. Of the 28 recorded species, 9 of these are of conservation concern and 6 species are red listed. 8 of these are listed as UK national priority species including house sparrow, linnet, skylark, song thrush, starling and tree sparrow. Whilst this part of the site was assessed as parish value for its breeding bird assemblage, as this is an application for the development of one large scheme, the site should be assessed as one site rather than split into different areas, therefore, the whole site should be assessed as district value for its breeding bird assemblage.

2.38 The development will result in the loss of all territories, resulting in permanent displacement of ground nesting national priority species such as skylark and grey partridge which is assessed as having an impact of district significance.

#### 2.39 Wintering Bird Surveys

2.40 Surveys undertaken for Station Road West recorded 33 species of wintering birds on the site, 16 of which are of conservation concern and 10 red listed. Of these, 8 species are UK National priority species that include lapwing, skylark and grey partridge. The report concludes that the impact of the proposals will be the loss of existing arable habitats and the foraging opportunities they provide, which support a wintering assemblage of parish value.

2.41 Surveys of the fields to the south of the site concluded that the site was considered to be of parish value to wintering birds, with the majority of breeding species likely to be resident on site and this assemblage supported with additional flocks of foraging finches and wintering thrushes. The arable fields are thought to be sub-optimal for use by wintering waders due to being enclosed by hedgerows and the railway line.

#### 2.42 Proposed Mitigation

2.43 The development will result in the loss of all breeding bird territories within the site, resulting in permanent displacement of ground nesting national priority species such as skylark and grey partridge which is assessed as having an impact of district significance. In order to mitigate for these impacts, the following measures have been proposed:-

- 10 tree sparrow nest boxes.
- 20 nest boxes suitable for house sparrow and starling.
- 15 open fronted and hole nest boxes.
- 7 swallow boxes/platforms.
- Landscaping within the scheme will result in the creation of diverse meadow grassland, creation of SuDs, native woodland and scrub planting, creation of new native hedgerows and enhancing existing hedgerows.
- Retention of boundary hedgerows where possible.
- Gardens planted with berry and fruit bearing species to provide increased nesting and foraging opportunities.
- Avoidance of high intensity lighting and light spillage into areas of retained and newly created habitat.
- Provision of an off-site compensation area for farmland birds, in particular, grey partridge and skylark.
- A financial contribution for Rising Sun Country Park that will contribute to farmland bird habitat improvements.

#### 2.44 Bat Surveys

2.45 Bat activity on the site was relatively low with the site providing low to medium quality foraging habitat to bats, with hedgerows providing potential commuting routes and foraging areas, linking to better quality habitats off site. In the south west part of the site, the railway line to the west and area to the south were of particular value for bats and in the northern part of the site, activity focused around the southern and western boundaries. These boundaries need to be the focus of good quality habitat creation of benefit to commuting and foraging bats. Hedgerows should be retained and enhanced where possible and new hedgerows created to provide additional green links and mitigate for the loss of hedgerows on site.

#### 2.46 Proposed Mitigation

2.47 The bat reports recommend that proposals should seek to create/retain green corridors around the site margins and to provide enhanced foraging opportunities for bats through the provision of features such as wetlands, species rich grasslands and tree and shrub planting. Consideration should also be given to incorporating potential roost sites into the design such as bat bricks within the new build and/or bat boxes.

#### 2.48 Great Crested Newt (GCN) Surveys

2.49 Great crested newts were identified within 250m of the southern part of the site through eDNA analysis but full surveys did not record the species. It is concluded that the ponds are not used for breeding but are used by small numbers of newts moving through the area on occasion. Habitats on site are generally of low value to GCN but habitats associated with the railway corridor along the western boundary are thought to provide some foraging and dispersal opportunities for the species.

#### 2.50 Proposed Mitigation

2.51 Landscaping associated with the railway corridor area should provide a range of undisturbed habitat of benefit to GCN. Footpaths in this area are not required and would create disturbance in these areas. In order to mitigate for impacts on great crested newt/amphibians the following measures have been proposed:-

2.52 All works on site will be undertaken in line with a method statement to address the low risk of harm to great crested newts and the risk of harm to common toad. Scrub and hedgerow planting alongside the metro corridor will improve this area and create a potential foraging and dispersal route for amphibians and other wildlife.

#### 2.53 Off-site Compensation Area

2.54 An area of land approximately 1km to the east of the Station Road West site is being provided as a means of compensating for impacts on farmland birds, in particular, skylark and grey partridge. The Station Road scheme will result in the permanent displacement of ground nesting national priority species such as skylark and grey partridge which is assessed as having an impact of district significance.



2.55 The 'compensation' area is approximately 6ha in size and it is proposed to create the following:-

- 1ha of wild bird cover to provide nesting habitat for grey partridge and a food source for species such as skylark, yellowhammer and linnet.
- Grassland management that benefits nesting skylark.
- Creation of 0.25ha of native scrub to benefit a range of bird species.
- Creation of 300m of new native hedgerow along the western boundary to enhance nesting and foraging opportunities for bird and other wildlife.

2.56 The details set out within the 'Wildlife and Habitat Management and Maintenance Plan' are generally acceptable, providing prescriptions within the compensation land that allow for the ecological requirements of farmland bird species to be met. However, the document is in draft format and requires some amendment and updating. Therefore, a condition will need to be attached to the application to ensure this document is re-submitted to the Local Authority for final discussion and approval prior to being formalised and implemented.

### 2.57 Landscaping and Lighting Strategy

2.58 A landscape masterplan (dwg: 5794-99-002) and 'landscape zones' plan (dwg 5794-99-003) have been submitted as part of the application. These plans generally accord with the habitat and landscape details set out within the 'Mitigation, Compensation and Enhancement Strategy' in terms of the areas of land proposed for various types of habitat creation such as woodland and wildflower grassland.

2.59 There are some minor issues with the masterplan and landscape zones plan relating to location of new hedgerows and the planting proposed around the dry suds area in the southern part of the site, however, these are minor issues which can be resolved by way of condition, through the submission of detailed landscape plans.

2.60 In relation to lighting within the scheme, detailed plans have not been submitted. There is potential for significant impacts on boundary planting and habitat areas from the lighting of this site, in particular, the lighting of footpaths/cycleways that go through landscaped areas. A condition will need to be attached to the application to ensure that high intensity lighting and light spillage into sensitive habitat areas are avoided and a lighting strategy is agreed with the Local Authority.

### 2.61 Conclusion

2.62 The provision of the off-site compensation land in conjunction with habitat creation and landscaping within the housing scheme site and an off-site contribution for habitat creation and improvements in the Rising Sun Country Park will adequately mitigate for the impacts of this scheme set out above. I have no objection to this application, subject to the following conditions being attached to the application:-

### 2.63 Conditions

- Detailed landscape plans for the housing scheme site to be submitted to the Local Authority for approval prior to development commencing.

- A detailed 'Management and Maintenance Plan' for the long term management of landscaping and wildlife habitats within the housing scheme site must be submitted to the Local Authority for approval prior to development commencing. This must also include details of a habitat and wildlife monitoring plan for this area.
- A 'Phasing Plan' for the landscaping scheme within the development site must be submitted to the Local authority for approval prior to development commencing.
- The 'Mitigation, Compensation & Enhancement Strategy' produced by E3 Ecology Ltd (July 2017) should be conditioned to ensure the details and measures set out within this document are delivered.
- Provision of an off-site area of compensation land for farmland bird mitigation will be provided as part of a S106 legal agreement.
- A detailed plan for the off-site compensation land must be submitted to the Local Authority for approval prior to development commencing. The 'Plan' must include details of habitat creation, timescales and on-going maintenance & management of the site.
- A detailed 'Monitoring Plan' for the off-site compensation land must be submitted to the Local Authority for approval prior to development commencing.
- A S106 financial contribution will be provided to the Council for off-site improvements to the Rising Sun Country, Benton Quarry and Wallsend Parks to mitigate the impacts of recreational disturbance/pressures on these sites.
- 10no. tree sparrow nest boxes to be installed in suitable locations within or adjacent to the site. Details of boxes and their location to be submitted to the Local Authority for approval prior to development commencing.
- 20no. nest boxes suitable for house sparrow and starling incorporated into garages within the development. Details of boxes and their location to be submitted to the Local Authority for approval prior to development commencing.
- 15no. open fronted and hole nest boxes to be installed in suitable locations within the site. Details of boxes and their location to be submitted to the Local Authority for approval prior to development commencing.
- 7 swallow boxes/platforms to be mounted on garages within the site. Details of boxes/platforms and their location to be submitted to the Local Authority for approval prior to development commencing.
- 20no. bat roost features to be included within the new build residential properties to provide roosting opportunities. Details of roost features and their location to be submitted to the Local Authority for approval prior to development commencing.
- No vegetation removal will take place within the bird nesting season (March-August inclusive) unless a survey by a qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.
- A detailed construction/pollution prevention monitoring plan must be submitted to the Local Authority for approval prior to development commencing.
- A detailed lighting strategy must be submitted to the Local Authority for approval prior to development commencing. The strategy must ensure that high intensity lighting and light spillage into sensitive habitat areas are avoided.
- A Great Crested Newt working method statement must be submitted to the Local Authority for approval prior to development commencing.
- An otter/water vole checking survey must be undertaken prior to any works commencing that may impact the Wallsend Burn watercourse. Details to be submitted to the Local Authority for approval prior to development commencing with appropriate working method statements where required.

- A pre-construction badger checking survey will be undertaken and submitted to the Local Authority for approval prior to development commencing.
- A Working Method Statement for badger will be submitted to the Local Authority for approval prior to development commencing to ensure site clearance and construction works do not impact this species.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45 degrees.
- All trees and hedgerows within or adjacent to the site will be adequately protected through construction exclusion zones in accordance with guidance given by BS5837:2012
- Details of the design of the dry and wet SuDS systems for this scheme and associated landscaping must be submitted to the Local Authority for approval prior to development commencing.

#### 2.64 Design Officer

2.65 The masterplan for the site and detailed design for the parcel of houses reflects a well designed and considered layout. The masterplan has been designed to replicate the design principles set out for the scheme currently being constructed on the east of Station Road. This will provide a positive and active frontage along both sides of Station Road. The layout is easy to navigate around and will facilitate movement.

2.66 The detailed design for full planning permission relates to 175 houses and part of the landscaped parkland to the north. The area of parkland that is part of phase 1 is not immediately adjacent to the residential area of phase 1 and no information is contained in the application to detail the reasoning for this. The Design and Access Statement contains a section for landscape principles on page 134 but it appears as though most of the information is missing as no principles are set out or described. Further information is requested on the phasing and landscape principles.

2.67 A route is shown in the masterplan into the parkland to the north as part of phase 2 of the site. The access point should be made clearer with a gateway entry point that is celebrated. This should align with the footpath link shown to the south in phase 2 to provide good access, movement and visibility. In phase 1 the full application should include a footpath link to south of the site onto the existing pedestrian footpath. This link is shown on the Access and Movement Plan but has not been translated onto the detailed layout.

2.68 Corner plots are well considered with side elevations that contribute towards the street scene. A range of boundary treatments are identified on "Site Layout Phase 1 Plan" for each plot but the design of each type of fence and wall is not provided. These should be submitted as part of the application. A surface treatment plan for roads and pavements should be submitted for Phase 1 during the application; alternatively this could be conditioned.

2.69 The wider site plan for the outline element of the application shows good design principles for the site and retains a buffer around East Benton Farm.

2.70 The layout includes a circular route capable of accommodating public transport, however it is not clear in the application what public transport will service the site and if bus routes have been agreed to be diverted into the site. It is also not clear if the existing bus stop on Station Road will need to be relocated to accommodate the new site access?

2.71 Overall, I am supportive of the application although further information and amendments are required to address the issues above.

#### 2.72 Contaminated Land Officer

2.73 The site lies within 250m of two known landfills, namely the Powder Monkey c.65m south of the site and Benton Quarry c. 243m north west of the site.

2.74 Due to the proposed sensitive end use and the location of the two landfills the following should be attached:

CON001  
GAS006

#### 2.75 Manager for Environmental Health (Pollution)

##### 2.76 Addendum to air quality comments

2.77 In light of the DEFRA publication July 2017 UK plan for tackling roadside nitrogen dioxide (NO<sub>2</sub>) concentrations which has identified North Tyneside Council with persistent exceedances at public access of the annual mean for nitrogen dioxide of 40 µg/m<sup>3</sup>, the air quality submission for this planning application has been reviewed to consider impact of the Coast Road A1058.

2.78 The air quality about the Coast Road Wallsend area A1058 within 800 metres into the boundary of North Tyneside has been identified as exceeding the annual mean at the roadside location. The modelled air quality data indicates exceedances of 50 in 2017 and will not meet the annual mean limit until 2023 for roadside.

2.79 The air quality modelling carried out considered traffic flows to the A1058 from the roundabout and slip road west and the dispersion model indicated an overall contribution to NO<sub>2</sub> of 0.05% increase, with the actual contribution being 0.02 µg/m<sup>3</sup> by 2026 at the nearest sensitive receptor ESR 6. This level of change is considered to be a negligible increase as the percentage change of <75% of the air quality limit. If this was considered an exceedance level at this location then this percentage change would still be considered a slight impact if this did cause a change in the air quality limit. When reviewed in relation to the National Planning Policy Guidance refusal of an application on air quality ground would only be considered where the assessed impacts were determined to be giving rise to a significant adverse impact.

##### 2.80 Addendum to noise comments

2.81 I have viewed the addendum noise assessment report that has included for additional continuous noise monitoring carried out between Friday 14:00 hours on the 31<sup>st</sup> March and 14:00 hours on Monday the 2<sup>nd</sup> April 2017 to review noise exposure for the north west perimeter of the site. This monitoring related to phase 2 and associated noise from the scrap yard. The monitoring period over a weekend would not be representative of worse case activities of the scrap yard.

No details of times of operation of the scrap yard or activities associated with the yard have been provided. It is therefore not possible to comment on the noise assessment which was considering noise in accordance to BS8233 which is for anonymous noise and not specific industrial noise. The activities in a scrap yard will involve cutting of metal and clatters and bangs from the movement of materials and intermittent use of power tools.

2.82 BS8233 outlines in section 6.5.2 that where industrial noise affects residential or mixed residential areas, the methods for rating the noise in BS 4142 should be applied. However, the noise monitoring results suggest a noise equivalent level of 52 dB arising from the scrap yard on the morning of Monday the 2<sup>nd</sup> April 2017. If considered in relation to BS4142 then character corrections of +6dB for impulsivity and +3 dB for intermittency could be applied to reflect these activities. A background of 45 dB LA90 is given within the noise report for this monitoring location; this would suggest that noise from the activities of the scrap yard would amount to significant adverse impact.

2.83 BS8233 specifies standards for good habitable living and the internal noise levels for habitable rooms can be achieved with the appropriate standard of glazing for anonymous traffic noise rather than industrial noise. The aim of planning policy guidance indicates the aim under Section 123 is to “avoid noise from giving rise to significant adverse impacts on health and quality of life” and “recognise that development will often create some noise” and that businesses “should not have unreasonable restrictions put on them. It is clear that the location of the residential housing next to the scrap yard without any noise mitigation measures being incorporated into the design that the development will cause potential restrictions on the business via statutory nuisance legislation for noise.

2.84 I would not recommend approval until a full noise assessment in accordance to BS4142 has been provided to assess the noise from the scrap yard and mitigation measures considered that may include for acoustic screening distance attenuation.

2.85 If planning consent is to be given I would recommend the following:

#### 2.86 Phase 1 Full Planning Housing Development

Prior to occupation, a noise scheme must be submitted to the local planning authority for approval and agreed and thereafter implemented that has taken into account future noise levels within the site, likely to be experienced within the next 15 years. The noise scheme to include details of the acoustic glazing to ensure habitable bedrooms meet the good internal standard of 30 dB LAeq,T at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq,T in accordance to BS8233:2014.

Prior to occupation, the ventilation scheme for habitable rooms must be submitted for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2 of Approved Document F. Mechanical ventilation, with an extract vent in each habitable room, must be provided as a minimum for properties located to the eastern boundary of the site adjacent to the A186 and for the north western

boundary of the site adjacent to the scrap yard. For other properties an alternative passive acoustic ventilation will be considered adequate. The ventilation to meet the requirements of Building Regulations with windows closed.

Submit and implement on approval of the local Planning Authority details of the acoustic screening to be provided to any gardens that have line of sight of the A186 Station Road North.

HOU04  
SIT03

## 2.87 Phases 2 and 3 Outline Housing Development

2.88 I would recommend conditions as follows;

Prior to development of phases 2 and 3 of the housing development, it would be necessary to provide for approval and implementation a noise scheme that has considered both existing and future noise levels likely to be experienced, for the opening year of that phase of the development, or the next 15 years, whichever commences first, to consider the noise levels arising from traffic, industrial noise to the north of the site and Newcastle United Sports Ground and Scrap yard located to the west of the site. Details of the noise scheme shall include for a detailed mitigation scheme, submitted to and approved in writing by the local planning authority to ensure good internal and external noise levels in accordance with BS8233 and the World Health Organisation Community Noise guidelines. Habitable living rooms to achieve a standard of 35 dB LAeq,T for daytime and bedrooms to meet a good internal standard of 30 dB LAeq,T at night. Gardens to achieve a noise level less than 55 dB LAeq 16 hours.

Housing located to western boundary to be set back a distance of 45 metres from railway line to ensure noise exposure levels from the rail line are met as specified within noise report no. 246.58/2.

Details of the acoustic mitigation measures to be provided to the north western boundary of the site must be submitted and implemented on approval of the local Planning Authority, to attenuate noise from the scrap yard.

### 2.89 Manager for Environmental Health (Pollution) Initial comments

2.90 The site is located to the west of Station Road North the A186 and immediately south of the. To the west of the site is on the opposite side of the railway is Newcastle United Sports Ground and a scrap yard.

2.91 I have viewed the air quality assessment that has considered the potential increase in air pollutants resulting from an increase in road traffic resulting from the development. The principal pollutants of concern are nitrogen dioxide and particulates, arising from road traffic vehicles. The air quality assessment has concluded that there will be a negligible increase in both nitrogen dioxide and particulates and overall air pollutant levels will be below the air quality objective levels for NO<sub>2</sub> and PM<sub>10</sub> if the development was to occur. With regard to PM<sub>2.5</sub> levels, although there is a limit level within the 2010 Regulations there are no specific target limits set within the LAQM Technical Guidance (TG16) for Local

Authorities in England to work towards. It is recognised that there are no safe levels for particulates and that Local Authorities must have policies in place to reduce the levels to as low a level as possible. Any new development will contribute to the overall air quality levels within an area and therefore although the overall impacts are considered to be negligible there will still be impacts and therefore it recommended that some mitigation measures are incorporated within the scheme to address air pollutants, e.g. such as the provision of electric car charging points.

2.92 I have viewed the noise assessment report. This has considered noise in 3 monitoring locations, 2 monitoring locations were to assess road traffic noise on the A186 Station Road North and 1 location was to the south west of the site adjacent to the rail line. Very limited noise monitoring has been carried out; short sample periods have been taken as outlined in paragraph 3.1.3. The duration of the sample periods is not provided in Table 4.1 and 4.3 therefore it is unclear how long the monitoring was carried out for at each location. No monitoring locations were assessed to the north of the site for adjacent to the A191 to assess the overall noise climate to the north of the site. Although it is noted that within the master plan a buffer zone is provided between the A191 and the residential site, ranging from approximately 100-150 metres. No assessment of potential noise exposure to the north west of the site adjacent to the scrap yard and the sports ground has been included within the report.

2.93 Due to the proposed housing being set back 45 metres from the railway line, the assessed noise exposure levels at the facade have been calculated with maximum noise levels of upto 76 dB(A), with LAeq levels of 56 dB(A). A condition would be necessary to ensure the housing is set back this distance or a re-assessment of the facade noise exposure would be necessary.

2.94 The noise report has not fully assessed future noise exposure for the development site, even though the development is proposed to be implemented in 3 phases and is not anticipated to be complete until 2032. I would have expected that the noise exposure levels for future years were fully taken into account for the full development site. The report assumes that the future road traffic exposure will be no different based on an assumption that the road speed limits will be limited to 30 mph.

2.95 The existing noise level measured 10 metres from kerbside of Station Road are 71.8 dB for daytime, with night time significantly lower at 53.4 dB. The report has calculated that at the facade current noise levels will typically be up to 66 dB (A) LAeq. Any increase in noise would be considered detrimental due to the excessive noise exposure levels experience.

2.96 The noise survey indicates that the noise levels will without appropriate mitigation measures cause significant adverse effects on use of gardens and internal living spaces.

2.97 Such noise levels will cause unacceptable external noise levels well above the world health organisation levels of 55 dB in which residents will experience serious annoyance with the use of their gardens. The main gardens that have line of sight to Station Road will need to be given appropriate screening. It is

noted that for phase 1 main gardens are located to the rear. Such noise levels at the facade would mean that if doors to the Juliet balcony windows in properties facing Station Road were open, the occupiers would experience unacceptable internal noise levels for day time. It will be necessary for both acoustic glazing and mechanical ventilation to be provided.

2.98 It is therefore necessary to demonstrate the sustainability of the development to demonstrate mitigation measures for phase 1. The outline planning approval should be considered with reserved matters with regard to internal and external environment. Noise mitigation measures must be submitted for the outline planning application which can demonstrate that internal noise levels can meet the good internal noise levels for living rooms and bedrooms as stipulated in BS8233:1999 and that external gardens met the WHO community noise level of 55 dB.

2.99 I would require more detailed noise monitoring to be provided within the report to fully assess the overall noise exposure of the site. I would recommend this information is provided prior to determination to ensure the acceptability of the development. If minded to approve, I would recommend the following:

#### 2.100 Phase 1 Full Planning Housing Development

Prior to occupation, a noise scheme must be submitted to the local planning authority for approval and agreed and thereafter implemented that has taken into account future noise levels within the site, likely to be experienced within the next 15 years. The noise scheme to include details of the acoustic glazing to ensure habitable bedrooms meet the good internal standard of 30 dB LAeq,T at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq,T in accordance to BS8233:2014.

Prior to occupation, the ventilation scheme for habitable rooms must be submitted for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2 of Approved Document F. Mechanical ventilation, with an extract vent in each habitable room, must be provided as a minimum for properties located to the eastern boundary of the site adjacent to the A186. For other properties an alternative passive acoustic ventilation will be considered adequate. The ventilation to meet the requirements of Building Regulations with windows closed.

Submit and implement on approval of the local Planning Authority details of the acoustic screening to be provided to any gardens that have line of sight of the A186 Station Road North.

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#### 2.101 Phases 2 and 3 Outline Housing Development

2.102 I would recommend conditions as follows;

Prior to development of phases 2 and 3 of the housing development, it would be necessary to provide for approval and implementation a noise scheme that has



considered both existing and future noise levels likely to be experienced, for the opening year of that phase of the development, or the next 15 years, whichever commences first, to consider the noise levels arising from traffic, industrial noise to the north of the site and Newcastle United Sports Ground and Scrap yard located to the west of the site. Details of the noise scheme shall include for a detailed mitigation scheme, submitted to and approved in writing by the local planning authority to ensure good internal and external noise levels in accordance with BS8233 and the World Health Organisation Community Noise guidelines. Habitable living rooms to achieve a standard of 35 db LAeq,T for daytime and bedrooms to meet a good internal standard of 30 dB LAeq,T at night. Gardens to achieve a noise level less than 55 dB LAeq 16 hours.

Housing located to western boundary to be set back a distance of 45 metres from railway line to ensure noise exposure levels from the rail line are met as specified within noise report no. 246.58/2.

### 3.0 Representations

#### 3.1 Gordon Halliday - Representation on behalf of the Hadrian Park Residents Action Group and certain Hadrian Lodge Residents

3.2 The adopted development plan for the area is the North Tyneside Unitary Development Plan. This was adopted in 2002 and certain policies were saved in 2007. There are a number of relevant policies in the adopted plan to the current application but most of these carry little weight in view of the age of the plan.

3.3 It is recognised that the site has been allocated for residential development in the North Tyneside Local Plan Pre-Submission Draft (NTLP). As the applicant's Planning Statement points out at paragraph 3.23 *'there are still unresolved objections to certain policies within the plan, and thus the weight attached to the NTLP policies should be limited accordingly'*.

3.4 The main objections relate to the increased congestion and unsafe road conditions that will result on the highway network to the south of the development leading to the A1058 Coast Road.

3.5 As is stated in many of the letters from local residents and their elected representatives, there is already severe congestion on the road network leading to the A1058 Coast Road. Congestion has increased in recent years as traffic from new housing and industrial estates uses Station Road as its main access on to the Coast Road. It is not unusual for cars from properties in Hadrian Lodge and Hadrian Park to take over 30 minutes at peak periods to reach the Coast Road.

3.6 In addition, under construction is the development of some 660 dwellings and a local neighbourhood centre on the eastern side of Station Road (East Rise). The impact of this development is not yet known because the majority of the houses have not yet built. It is clear, however, that conditions on the already congested road network to the south of the development leading to the A1058 Coast Road will only be exacerbated when this site has been fully developed.

3.7 Given the unacceptable existing highway situation and the certainty that this will worsen on completion of the East Rise development, there are strong

reasons for considering that the current application is not only premature but should be refused on highway grounds.

3.8 Paragraph 30 in the National Planning Policy Framework (NPPF) states: *'encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion'*. It is clear that the current application will both increase greenhouse gas emissions and increase congestion on the highway network leading to the Coast Road.

3.9 It is recognised that the NPPF at paragraph 32 states that planning decisions should take into account of whether *'improvements can be undertaken within the transport network that cost (sic) effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'* It is considered that the improvements to the highway network proposed by the applicant will not materially affect the congestion leading to the Coast Road. It is therefore the case that the residual cumulative impacts of development are severe and accordingly the development is not in accordance with paragraph 32 of the NPPF. The development should therefore be refused on traffic grounds.

3.10 The proposed development also raises a number of other concerns that weigh against granting planning permission.

3.11 The application site fulfills an important local role in separating built up areas to the north and south of the A191 Whitley Road. The separation of these areas will be seriously affected by the development of the East Rise development. The development of East Rise means that the current application site will be the last remaining area of countryside in this part of North Tyneside to the south of Whitley Road. The coalescing of previously distinct settlements and built up areas, to the detriment of urban character and community cohesion, has been an escalating feature in the development of North Tyneside over the past 40 years. The refusal of the current application would have a significant influence in maintaining the separation of built-up areas in this area.

3.12 There are also concerns regarding the proximity of the former Rising Sun landfill site, subsidence from former mine workings, increased likelihood of flooding and the loss of potentially valuable ecological habitats.

3.13 The Rising Sun landfill site was operational between 1964 and 1972 at a time well before modern environmental standards were introduced for landfill sites. The site accepted a wide variety of wastes including inert, industrial, commercial, municipal and liquids/sludges. The latter included potentially hazardous chemical wastes. There has already been leachate from this site in a local stream and it is therefore understandable why local residents are concerned about building new housing in close proximity to this former site.

3.14 There are examples of modern housing being built in North Tyneside suffering from subsidence associated with the former mine workings. Most recently this was seen with the demolition of 5 dwellings at West Allotment. Similarly there have been incidents of housing being structurally affected by historic mine shafts, as in Aldwych Drive, North Shields in 2015. It is a matter of

concern that neither the Planning Statement nor the Design and Access Statement makes any reference to former mine workings beneath the site or to how potential subsidence affecting properties is to be avoided. This is another aspect that the Council will need to consider very carefully in relation to the current planning application.

3.15 There is also concern about the poor operational practice of the applicant in the development of East Rise that has led to investigation by both the Council and the Environment Agency. One example of this is pollution of the natural watercourse and the detrimental effect that this has had on the stream as a habitat for flora and fauna. It is considered that these matters need to be taken into account in determining the current application.

3.16 Whilst there are compelling reasons to refuse planning permission, it is recognised that it will be necessary in the planning balance to consider the weight to be given to any benefits of the development. In Section 6 of the Planning Statement the applicant sets out what it considers to be the benefits of the development. These can be summarised as follows.

- Economic benefits namely direct and indirect jobs created through the construction phase, spending power of residents when the dwellings are occupied, potential jobs created through this spending and Council Tax receipts and New Homes Bonus payment to the Council.

- Housing benefits through the provision of a range of housing.

- Increased accessibility within and around the site including footpath and cycle routes.

- Provision of a 'green envelope' surrounding the residential and school development, providing opportunity to enhance existing habitats and introduce new species.

- Preservation and enhancement of the setting of the listed farm building.

Sustainability of location to exploit transport links to reduce private car use.

3.17 It is considered that the economic benefits are no different from the economic benefits that would result from any similar development proposal. The recipients of the benefits are likely to be located over a wide area extending well beyond North Tyneside and there is no assessment of the extent to which local people would be recipients of economic benefits.

3.18 Similarly the housing benefits are no different from the housing benefits that would result from any similar development proposal. There is no suggestion that North Tyneside does not currently have a five-year land supply for housing so there is no pressing need to release this site for residential development.

3.19 There is already a good network of footpath and cycle routes in the area and any increase in accessibility resulting from provision associated with this development would be extremely modest and insignificant.

3.20 The development of this site would result in the loss of a much greater amount of green habitats than would be provided through the provision of any 'green envelope'.

3.21 It is clear that rather than being preserved and enhanced, the setting of the listed farm building would be significantly harmed by the proposed development.

3.22 It is not accepted that this is a sustainable location for development. It is clear that notwithstanding the provision of footpath and cycle routes and bus services, private cars will be by far the most dominant means of accessing the development and there will be a substantial increase in private car use. This is recognised by the applicant, for example in paragraph 6.14 of the Planning statement, in acknowledging that off-site highway improvements will be necessary.

3.23 In conclusion therefore it is considered that the planning balance weighs heavily against allowing this development to go ahead and the Council is therefore requested to refuse planning permission.

3.24 A standard letter (Another 1800 cars heading our way in the morning), collated by Hadrian Park Residents Association.

-A Freedom of Information request has shown that 10,000 additional homes have been built on the A19 corridor and surrounding areas since 2008.

-The road infrastructure is on the verge of collapse due to wholly inadequate planning by North Tyneside Council (NTC). Our quality of life is being seriously eroded by the extra stress of waiting in long queues simply to get of our estates.

-The air pollution levels for those residents living near to the huge queues of traffic are, in our opinion, reaching dangerous levels. Recent studies show that up to 9500 people die each year in London as a result of high nitrogen dioxide levels from air pollution. Reckless overdevelopment by unscrupulous builders mean that we cannot be far behind this level and it has to be stopped.

-Persimmon Homes have now applied to build 450 dwellings on the west side of Station Road in addition to the 450 they are currently building. This will potentially bring 1800 extra cars into this area. A large proportion of these cars will use Station Road to access the Coast Road and will use Battle Hill Drive to access the Cobalt and Silverlink, effectively trapping current residents of Hadrian Lodge and Hadrian Park on their estates each morning and increasing air pollution for residents.

-We must stop this additional development to prevent total gridlock.

-NTC seem determined to take away every piece of green field and recreational land in the borough leaving nothing for future generations.

3.25 A standard letter (Traffic Armageddon), has been received.

-Since 2007, at least six major housing developments (12, 000 additional houses) have been allowed in North Tyneside, all on greenbelt land.

-Residents are now suffering as a result of this influx of additional vehicles on roads that simply cannot cope.

-As a result we have: traffic congestion because the infrastructure is wholly inadequate to cope with the numbers of cars travelling across the borough to get to major routes.

-Massive increases in air pollution (nitrogen dioxide and carbon dioxide) the World Health Organisation (WHO) report that 40, 000 deaths in the UK are directly attributable to this poisonous toxin, with the problem being worst in built up areas. Highway Agency (HA) figures state that at least 70, 000 vehicles pass through North Tyneside on the A19 each day making it a critical area for these

toxins. New build houses are amplifying an already critical situation and the areas immediately west of the A19 have the highest concentration of toxins in the area, far above those registered at the coast.

-All of the above points are material considerations in town planning and are blatantly being ignored in our area.

-To make matters worse there are now 450 homes being built at Station Road East and a further application for a similar number of Station Road West.

-The current developer has caused horrific pollution to the stream on the far west of the Rising Sun Park with breeze blocks, plastic and brown silt destroying the ecosystem in that stream and the surrounding area. They must not be allowed to do the same on the west side of Station Road.

-The most recent developments are on former pit land and houses at Backworth and Holystone have been demolished because of the effect of these underground workings. Station Road developments are built on the Rising Sun pit, one of the largest mines in the world at the time and with the deepest shafts in Europe. It was closed in 1969 because of uncontrollable flooding and now new builds are being constructed causing potential problems for current residents through flooding.

-Please help the current residents of North Tyneside to preserve our last green space, prevent further congestion and flooding and improve the quality of the air we breathe by protesting against this further development.

-Detrimental impact upon residential amenities. The Rising Sun Countryside Park is a jewel in the crown of North Tyneside. The surrounding fields once boasted rich farming land and attracted all forms of wildlife and plant life including bees which are now in severe decline because of this irresponsibility of building houses on precious Greenland. This area was once a haven for walking and other activities but now the area is full of extra hazards including extra pollution destroying farm land and overpopulation of an already full quota of office units, houses and retail units, hence the reason for detrimental impact upon amenities.

-The need to avoid town cramming, a very valid consideration in any planning application. I live in Hadrian Park and it has become virtually impossible to have a stress free existence in this area. Most of the residents will agree with this as of late, with the constant development of the Silverlink and the Cobalt Business Park, it has dramatically increased the amount of traffic in this area and there is no infrastructure in place to deal with this. No amount of nonsensical rhetoric will convince the residents otherwise. Long before the A19 works had commenced, the traffic was increasing on Battlehill Drive and from the Coast Road to gain access to the Silverlink and Cobalt. I personally informed Councillor Spillard of these facts over a year ago. The building of extra houses within Hadrian Park was just beyond belief, and contrary to what the house developers think, it has compounded the town cramming problem.

-Drainage and ground stability: As I am sure that the planning committee are aware, there is severe risk of flooding in this area and contrary to what the developers may say, I have personally witnessed this first hand, every piece of the flood plain is precious and no amount of promises of flood control works better than fields and trees. The amount of flooding we are witnessing now is all part of climate change and if those fields had not have been there when there were severe weather conditions, it would have been much worse. When I last checked, concrete and tarmac do not have the same effect. Building properties on historical pit land does not appear to be very sensible either. I think the demolition of new properties on pit land in Backworth will verify this. Someone

appears to have got their survey wrong as this land is very near the Rising sun pit head. Can the developers guarantee the safety of people re sink holes and subsidence. I think not, this is a very serious planning consideration.

-Highway safety, inadequate parking: Again, a very important valid planning consideration. From what I have personally monitored and observed, the traffic infrastructures are, and always have been wholly inadequate for this area, and the fact that potentially, another 1800 extra vehicles will be on Station Road is unthinkable. No amount of extra traffic lights and roundabouts in this area can make the situation tenable. As for road safety, it probably isn't a concern for developers as far as planning permission is concerned. The word profit springs to mind. Where do the developers intend to make safe roadways for the children that are already present, in my opinion, it has already reached epidemic proportions for accidents and careless driving at rush hour times with horrendous examples of bad driving and this is only amplified more when the roads are congested as they are now.

-Impact on the local eco system: Very important planning consideration. Has anyone actually given this point any consideration? We have not got enough green space left in North Tyneside to actually take away two more green spaces. As a species, we are determined to eradicate specimens of wildlife that have been present long before we were here. We are leaving a legacy of concrete buildings, air pollution, destroying the actual creatures that we depend on for survival by allowing the reckless, constant building of houses on prime green land for profit, I, for one, cannot stand by idly any more to watch the destruction of North Tyneside's green areas, or rather what's left of them.

-The government is very conscious of the wildlife, the eco system, preserving green space and amenities, it actually states these points in their planning guidance, I do not believe that, given the facts and actually listening to individuals like myself and actually visiting the area that they would not act accordingly, therefore I will contact Mary Glindon and ask for a meeting with the relevant planning minister to be arranged.

### 3.26 David Johnstone Representation on behalf of the Hadrians Park Residents Action Group:

-We are residents of North Tyneside. We live beside the A19 corridor and we are very concerned about the erosion of our quality of life by a series of, in our opinion flawed and illogical planning appeals and decisions.

-In the recent past, consent for at least six major housing developments has been refused by our democratically elected council only to be overturned by anonymous automatons from the Planning Inspectorate who have no knowledge of our area or its history and do not have to live with the consequences of their sometimes astonishing decisions.

-We refer specifically to Station Road East, Wallsend where the council quite rightly refused planning permission because of concerns around drainage and flooding, road infrastructure, increased air pollution, schools and health provision, ecology, and taking away green spaces.

-These properties will be built on land which has frequently flooded and is on top of one of the largest and deepest coal mines in the world which was closed in 1969 because of uncontrollable flooding. The builders have dug a large "moat" which is now filled to such a depth that it requires lifebelts. On the weekend of the 25<sup>th</sup> February twelve of the established properties on the adjacent estate were flooded as a result of this development.

-Station Road already has one of the highest levels of nitrogen dioxide in the area through road traffic, scoring in the amber level. Adding a minimum of nine hundred cars to this area through this development will only make matters worse. We have a right to breathe clean air and this is a material planning consideration. Scientists have long known that grasslands act as carbon sinks, absorbing large quantities of the greenhouse gas carbon dioxide. At a stroke the planning inspector has removed the natural defence which was neutralising these toxins as and replaced this with even more of the poisonous gases. Additionally, the work practices of this particular developer have caused the stream at the edge of the countryside park (a popular local amenity) to become heavily polluted, killing indigenous species. In the inspectorate's infinite wisdom can you suggest how to remedy these environmental issues?

-The UK is second only to Italy for air pollution so how could the inspectorate justify such an illogical decision?

-At least two more developments which have been allowed on the other side of the pit land (Backworth and Holystone) have had three brand new properties demolished because they became unsafe through subsidence from mine shafts. There are forty seven shafts across this area which makes the decision to allow building even more ludicrous. We are waiting to see which houses fall down next.

-Prior to this decision both sides of Station Road sported green fields and a wildlife corridor which will now be a distant memory for future generations because of this, in my opinion, totally flawed decision.

-We have now discovered that the developer has submitted a planning application for 450 homes on the opposite side of Station Road. This is also on pit land and will essentially form a concrete corridor to the north of Wallsend tantamount to town cramming and massively increasing the flood risk. The roads in the area are already in total gridlock and the aforementioned pollution levels, already bordering on the illegal, will be increased exponentially. The dangers mentioned above for the previous developments will apply for Station Road West as it is also in close proximity to the pit head and therefore the deepest shafts.

-Your own planning portal states that on average, for every three appeals received by the inspectorate only one is granted. We have been reliably informed that in North Tyneside, the last six appeals for housing developments have all been granted i.e. a 100% success rate for appeals against the council. To the casual observer this would appear to be biased in favour of the developers against the residents. Perhaps developers should just apply directly to the inspectorate as, in my opinion, you appear to pay no heed to the wishes of the local people. We stand by our philosophy that local decisions should be made by local people. Bearing in mind recent events concerning properties being demolished and increased flood risk and traffic congestion we will be consulting with our MP with regard to a possible investigation by the parliamentary ombudsman into the decision on Station Road East.

-We have no doubt in our minds that if the council refuses this application it will go to appeal and judging on the figures quoted above, the odds will be heavily stacked in favour of the developers. We can assure you, however that the residents of North Tyneside will be scrutinising past and future actions of the Planning Inspectorate in minute detail.

- Overdevelopment
- Loss of greenspace
- Impact on infrastructure (GPs, roads, schools)
- Environmental impact – on ecology and wildlife

3.27 154 letters of objection have been received. These objections are set out below:

- Adverse effect on wildlife.
- Impact on landscape.
- Loss of residential amenity.
- Loss of visual amenity.
- Loss of/damage to trees.
- Nuisance: fumes, noise, dust, dirt, disturbance.
- Out of keeping with surroundings.
- Precedent will be set.
- Traffic congestion.
- Affect setting of listed building.
- Inadequate drainage.
- Inappropriate design.
- Affect character of conservation area.
- Loss of damage to trees.
- Precedent will be set.
- In Green Belt/no special circumstance.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Affect Site of Special Scientific Interest.
- Inadequate parking provision.
- Inappropriate in special landscape.
- Pollution of watercourse.
- We have lived in the area for 36 years and in this one house for 32, and because of its location have never really wanted to move until now. Our house backs onto open land just below the farm and over the years we have become accustomed to having full view of open fields. Can you imagine what it would be like with someone's back garden butted up to our back fence. it would be "unimaginable".
- Over the years we have come home from work and sat in our back garden, and you can imagine you're in the countryside its so peaceful, that will all disappear if we are overlooked by other houses.
- You might think this sounds very selfish but it's one of the reasons we have never moved house in the past, we would hate to be overlooked.
- We went to the builder's meeting that was held in the church a few months back and they re-assured us that where we are situated it would most probably be about 10 years before any building would start, could you confirm this.
- The temporary traffic lights that were being used whilst building was taking place had a massive knock on affect, not only on Station road but also the surrounding areas. I work at the Cobalt beside the Village Hotel. My normal journey time back from work at peak time usually takes me approximately 15mins (off peak 7mins) only a few weeks ago because of the building work and traffic lights on Station Road the journey home took me exactly 1 hour to get from the top off the Cobalt Business Park to the top of Station road North to my home on Hadrian Lodge. This is absolutely ridiculous! Not only is traffic highly congested, even the wildlife have been disturbed and again since building has taken place we have rats (large ones may I add) in the gardens of our homes where our children and animals play. Again at our expense as it is private land we are having to pay, as well as our neighbours to try and kill off some of these vermin.



-Now planning permission has now been submitted for even more houses to be built! Before long we are going to be a concrete city with not a blade of grass insight. It's all great saying the elderly are living longer, population is increasing and we need more homes etc I get that. But where are all these children going to go to school? I have two young children myself and primary and high schools in North Tyneside are over subscribed (at least the decent ones are anyway).

Doctors surgeries: spaces are already pushed.

-Building all these new homes not far from each other including Holystone, Darsley Green etc is causing absolute chaos and will continue to cause misery to North Tyneside residents if building continues.

-Over development in North Tyneside without sufficient infrastructure to support proposals (town cramming). A recent FOI request showed that at least six thousand new homes have been built in the Killingworth, Benton Road and Scaffold Hill area in recent years. Most of these have been for profit builds bought by occupiers. Common sense therefore dictates that the purchasers will be in employment and will be part of the daily commute. If we suppose that each home will have at least one car that is 6000 additional vehicles on the roads. If only a third of these new builds have an additional car then we can estimate that there will be at least 9000 cars on the already overstretched roads of our borough.

-The main direction of travel will be to employment in Newcastle to the west, through the Tyne Tunnel to the south or north on the A19. A large proportion will be travelling east through North Tyneside to the Silverlink and Cobalt Business Parks.

This is causing and will continue to cause massive congestion on roads which simply cannot cope.

-In the past nine months the residents of Hadrian Park have endured an increase in traffic travelling from the west of the borough to the Silverlink and Cobalt. This was prior to the chaos caused by the Silverlink junction works and was as a direct result of the continued development to the west of the borough.

-This essentially means that for a period between seven and nine in the morning Hadrian Park residents are trapped on the estate, queuing for up to forty minutes simply to begin their commute. As stated above this was starting to happen prior to the road works at Silverlink and one potential cause is that the council have allowed three way traffic controls at the entrance to the Silverlink shopping park. Commuters travelling along the Coast Road are opting to come off at Willington Square or at Wallsend and travel along Battle Hill Drive and Middle Engine Lane to avoid this delay. Again, the residents of the established communities are disadvantaged and their quality of life severely damaged.

-The road infrastructure is simply not able to cope and the pathetic attempt to deal with this by creating two lanes for two cars lengths on Addington Drive is risible. There have always been two lanes at the roundabout and adding a cars length more is hardly going to help the 2000 cars (council figures) leaving the estate in the morning to get out easily. The yellow box grids (which drivers ignore) are having no effect as residents still have to give way to the constant stream of traffic coming from the west. This will only get worse as more houses are built.

-Recent contact with residents of Hadrian Lodge has shown that they are experiencing the same issues in getting off their estate to get to work and they are very concerned that an additional 1800 cars will make their commute impossible. On a journey out of Hadrian lodge today (Saturday) we had to wait

for seven minutes to get around the mini roundabout at St Bernadette's Church. How much longer will the delays be during the week and with these additional cars?

-The increased health risk of high density traffic at pinch points. Residents living close to the traffic congestion on Battle Hill Drive and Addington Drive are being exposed to increased particulate levels as engines idle in the queue for two hours each morning. Recent studies indicate an increased risk of asthma and respiratory conditions and a possible link with dementia and some cancers and for those exposed to regular, high levels of traffic pollution. The UK is on a final warning to reduce the levels of airborne pollutants from cars. The stationary traffic on Addington Drive must be increasing the air pollution and health risk to residents. Again, this problem will also affect residents of Sunholme and Hadrian Lodge estates.

-The increased risk of flooding. This is a serious planning consideration. Recent weather events have indicated that areas of North Tyneside are at risk of flooding. Again, the residents of Hadrian Park have been subjected to nine months of restriction to traffic flow as flood defences are installed for Bewick Park. This area was always at risk of flooding and the homes should never have been built there. In what must be the longest civil engineering project of its type, the estate have been subject to traffic controls, mud, noise and delays since July last year.

-The new development at East Benton Rise is being built on saturated land. A large "moat" has been dug out, so deep that lifebelts have had to be installed around it and fencing installed to prevent access. It is now full and the new sluiceway which empties into the original stream at the edge of the countryside park is also almost at capacity. Land which previously acted as a soak away zone is now lost forever, increasing the flood risk to new and established properties.

-In addition, the proposed development on the west side of Station Road would be built on land riddled with mine shafts and tunnels. Both East Benton Rise and the new development are very close to the main Rising Sun pit shaft. Lessons have obviously not been learned from the Backworth and Holystone fiascos. The Rising Sun pit was the deepest in Europe at the time and one of the largest in the world. It was closed in 1969 due to flooding which was becoming too difficult to control. The waggon ways and seams were allowed to flood which means that the deep mine workings are now full of water. Surface water, therefore has nowhere to go as the land is now being covered with buildings. Surely this is a recipe for disaster.

-The need for additional school and health provision. As listed above, 6000 additional homes have already brought at least that number of new patients for GPs, new service users for local walk in centres and hospitals- these services are already under pressure. If one in ten of these homes have at least one child there will potentially need to be an additional 600 school places. Some of these children may already live in North Tyneside and have school places but in a climate of school place shortage this is a significant planning concern. As well as catering for those children who will live at East Benton Rise, another 400 plus homes in this new development will put borough schools under pressure. The government will not allow local authorities to build any new schools so where will these children be educated?

-The need for green spaces. Research indicates that people need to be able to connect to the outdoors, nature and wildlife in order to be healthy, live longer and

contribute more at work. Manchester City Council recognises this and is protecting the green spaces in their area. The Rising Sun Park and surrounding farmland are (or were) an asset to the residents of our borough but the field areas and wildlife corridors are being ripped away for profit.

- Pollution from the actions of the builders. I have referred to the original stream at the edge of the countryside park and the water flowing into it from the "reservoir" built to protect the new houses. The stream is running with a greyish brown sediment from the mortar and concrete on the site. The effect of this on the local ecosystem can only be guessed at and we have reported this to the environment agency who will be investigating. That and the large builders merchants sacks which are caught in the hedgerows around the site are a hazard to animals, both wild and domestic, reduces the visual amenity and shows the flagrant disregard that these companies have for the areas in which they work. Further development on the west of Station Road will only increase this damage.
- This objection has focussed on the effect of over development on the daily lives of residents in my area. We are hardworking council tax payers who have enjoyed living in North Tyneside. Some of us were born here and have lived here all of our lives, others have moved here because it was such a good place to live.
- In summary, the residents of this borough (and particularly the area under discussion) object to any further development west of the A19 for the above reasons. Our council needs to protect the welfare of those of us who live here now over the demands of money grabbing developers. It is unlikely that such density of development would be allowed to the east of the A19 in the coastal communities. Our council must say no to this development. Residents were assured by councillors that the land to the east and west of Station Road would never be developed, are very resentful and have been let down badly. It is sad but true that whenever a development goes to appeal, our council always appears to lose and this has made residents of these estates very distrustful, disillusioned and cynical about the motives of our council.
- Should this go to appeal we demand that our council defend our position vigorously and if the Secretary of State becomes involved we demand that we have the opportunity to make submissions.
- Further erosion of green space, the development will lead to an extension of the urban conurbation and soon there will be no divide between Benton and Wallsend.
- Loss of a wildlife corridor and an area unused for leisure and recreation. It will also be visually unattractive compared to what it's like in its current state as farmland/open space.
- Congestion will also be an issue unless public transport to the new developments in the vicinity are improved.
- I query the submission of two applications by the developer on the same day, one for 193 houses and another for 360. There are simply too many houses in this area which has no infrastructure to support it. The A191 is already well over capacity and is grid locked for considerable periods.
- Consultation with residents by the council is purely lip service - a box ticking exercise and despite huge numbers of objectors to the Holystone Scheme - the council allows more and more houses to be built. It is simply not sustainable.
- I do think that the timing of this notification was inconsiderate, by only allowing 21 days to respond, without taking the holiday period into account; I and others have been disadvantaged. I received your letter, dated 16 December 2016 on 22 December and your office was closed from 23 December through to 3 January.

Because of my working hours outside of this time I was unable to visit your office to discuss this with a member of the planning team.

-The field to the rear of my house is prone to flooding and is constantly waterlogged. I have attached photos to highlight this. From my understanding of the drainage proposal, two cylinders will be buried underground for surface water to flow into. Once these cylinders are full the water will then be emptied into the burn, which does not have the capacity itself to deal with a heavy storm. Where will this water go? Who will maintain the cylinders? What studies have been done to prove the burn can take the extra capacity created by the removal of the green land with the proposed properties? The addition of the new properties could be prone to flooding. This would also make my property at a significantly increased risk of flooding. In the 16 years I have lived in my property I have not suffered from flooding. Who would recompense any damage to property caused by flooding created by the additional houses? This is a huge concern.

-I will not be able to enjoy my garden as it will be overlooked, resulting in an invasion of privacy, and therefore ruining the enjoyment of my house and land.

-The proposal will create an extreme strain on the amenities enjoyed by residents, including (but not limited to) green space enjoyed by many residents, shops, school and cycling areas. It will completely alter the character and fabric of the area to the detriment of existing residents.

-Station Road is already extremely congested at peak times and the new developments will only add to this – I have not seen any evidence to see how this will be resolved, leading to added stress and longer journey times.

-It would seriously encroach on my privacy not to mention the impact it would have on families, dog walkers and horse riders also the wildlife that have been forced to make this their home due to other nearby developments.

-I feel like my basic human rights are being totally disregarded for this totally unnecessary development, the rights of the people who farm this land are also being ignored, it is prime farmland and it will be a great loss to the farming community.

-My wife is a stroke victim and does not get out much, one of the great pleasures in her life is for me to put a chair upstairs so she can sit and watch the little bit of countryside with horses, foxes etc running about, she spends many hours happily watching. When I told her of the proposed development she was totally distraught, she is heartbroken, I can only implore you to reject this project, the impact it would have on this community is massive with a huge increase in noise and traffic

-The local residents have already submitted a 1000 signature petition against development on this site and the Local Plan outcomes are still ongoing.

-There are in the region of one thousand houses being built within a one mile radius of this proposed development on a green field site; do we really need any more?

-The information in the surveys states that 550 houses are due to be built, rather than the 400 on this application.

-Benton and Wallsend under this and other housing developments are to merge; this is the last green space left in the centre of the North Tyneside Borough. Please do not let it be developed on. The loss of this will be of detriment to residents, wildlife and to the actual character of Benton. The whole purpose of creating conservation areas is being undermined by every development given the go ahead. Benton will no longer regain the charm of its rural edges.

-This area is teeming with wildlife such as bats, birds and rabbits, and there are

ponds located within this area. In the Local Plan, the 'wildlife corridors' suggested were not sufficient enough. Although these plans do aim to leave some green space; with the extra traffic, street lighting, noise and presence of humans which were not there previously, this is likely to have a negative impact on wildlife.

-The Bat survey rates this area of low resource value to bats, but there are bats present on this site so the land must be of some use to them. I would like to see an independent bat survey performed which has not been funded by a housing developer before any go ahead is given.

-The bird survey also listed the detriment on existing nesting bird populations.

-The Local Plan stipulated that North Tyneside has an aging population and that there was a need for suitable housing stock for the over 65's. Looking at these plans and those for the surrounding developments; this issue is not being addressed. Instead developers are intent on maximising profits by building larger homes and those on multiple levels.

-In Persimmon's plans there are ten different styles of houses; 4 of which are over 3 floors which are completely unsuitable for elderly residents (Seaton, Prestwick, Polwath, and Glamis). There are only 2 styles of house (Kirkley and Horton) which have 2 bedrooms on 2 floors and there are no plans for any bungalows which there is a shortage of in this area. The amount of larger houses should be considered (I can't find information to the amount of each type of house being built), as these will be unsuitable for first time buyers.

-If North Tyneside requires suitable housing for older residents; they should be demanding this from the developers.

-The area that this proposed development sits on is at the top of a slope down to Wallsend and is currently a beautiful field. Many of these houses will be 3 storeys in height having a negative impact on the character of the area. The design of the houses is poor; it is as if no thought has been put into actually making the houses look attractive; they are ugly little boxes on the artists impression (so will probably look even worse when constructed).

-There will also be a negative impact on the listed farmhouse, surrounded by out of place new builds.

-The creation of all of these new houses will put hundreds of more cars onto these routes, especially due to poor public transport and amenities in the local area. The nearest shop is 1.5km away, there is one bus an hour into Newcastle (51 Arriva), the Metro at Benton is a 1.5km walk. St. Bartholomew's School mentioned in the report is being developed by Gentoo (a completely ridiculous development adjacent to a conservation area), so there is one less school already in the area. One thousand new homes will put an enormous strain on GP services, schools and roads, and not being in close proximity to these services will cause people to drive to these amenities causing further congestion.

-The lack of peaceful semi-rural walking tracks within the immediate area for Benton residents will see us having to go to the Rising Sun Park, which in turn will cause us to have to drive there, as the road is too dangerous to walk along and add to the congestion and pollution.

-This development is being proposed in an area where there is frequent surface water flooding. As this site and the ongoing East Benton Rise development in Wallsend are at the top of a slope; this could cause problems for residents in existing properties in Wallsend whose homes have previously flooded.

-This land should be given Green Belt status and preserved. If hundreds of houses on these new developments sit empty because they were over-priced or

badly designed or just not what the local demographic of the area need then frankly what was the point?

-The responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land.

-ONS population projections show a projected increase in North Tyneside' population of approximately 22k, of which 20k will be over 65s. There is more than enough housing being build to meet the needs of the under 65s but nothing for the over 65s. This proposal does not meet the needs of the projected population increase that the Council relied on for its Local Plan so it should be rejected on this basis along.

-The proposal cannot promote healthier lifestyles. It is away from public transport and local amenities, so people will rely on their cars to get about, and it is dangerous to ride a bicycle around this area.

-My understanding is that the land has been surveyed several times before and it was deemed unsuitable for housing. Has the geology suddenly changed?

-Loss of business.

-Affect standard of living. I currently cannot get my horse out of the stable while the building work is going ahead. Any work directly in front of East Benton Farm will have a serious implication on our animals' health.

- This contradicts the objectives of North Tyneside councils own unitary development plan (UDP) March 2002 as published on your website: The objectives laid out on section 3.39 of this section state "To make full and effective use of land and buildings within the built up area but balance this against environmental concerns such as the loss of open space"

-Article 8 of the human rights act states that a person has a substantive right to respect for their private and family life. In the case of BRITTON VS SOS the court re appraised the purposes of the law and concluded that the protection of the countryside falls within interests of article 8. Private and family life therefore encompasses not only the home but also the surroundings.

-Loss of privacy and overlooking. The proposed site of the development at the back of our cottages would result in a serious invasion of our privacy. We would urge you to consider the responsibilities of the Council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.

-The proposal would harm the amenities enjoyed by local residents, in particular valuable green space, privacy and the right to enjoy a quiet and safe residential environment.

-The proposed developments would significantly alter the fabric of the area and it would lead to the loss of green space which is used daily by cyclists, horse riders, dog walkers and families.

-We have grave concerns about the adverse effect the proposed development will have on the wildlife in the area. We have deer, fox, rabbits, hedgehogs, bats and birds whose homes will be demolished. Due to the other residential developments in our area we have noticed an increase in the wildlife as they have had to set up home on the land near our home. Where will they go once the majority of the green space has been taken?

- The traffic on the roads surrounding the Farm (Whitley Road and Station Road) are already extremely congested. This would only be increased with the extra houses which are proposed.
- The proposed development will ruin the character and amenity value of the area.
- We have had the horses at the farm for over 20 years. The proposed developments will result in having to find new homes for our horses. Since the development has started across the road from Station Road this has already impacted on us being able to ride on a weekend due to the disruption the building site has caused. The constant banging, and coming and going of lorries has made the bridleway which leads to the Rising Sun wholly unsafe to use whilst the workmen are there. These issues will be escalated greatly if building work is allowed to start at the bottom of the farm track.
- North Tyneside development master plan shows area to rear of my property as land not for development - this proposal shows housing and surface water attenuation pond serving the whole development - contradiction to master plan? Without the attenuation pond the housing development cannot proceed.
- Existing stream and culverts under Station Road and Wiltshire Drive struggle to cope now due to their capacity and lack of routine/preventative maintenance by North Tyneside Council.
- I am aware that the Local Plan was established after years of planning and research etc. and no doubt cost the council tax payers of North Tyneside considerable amount of money. The plan was put in place and all I ask the NTMBC to consider is that they stick to the Local Plan as agreed and not allow yet another area of green land to be swallowed up by Persimmon Homes. I know the area in question is behind my home address but how many more fields do we lose in Wallsend, there can't be that many left.
- Travel Plan is based on events that will not happen.
- Look at the traffic view on Google Maps at rush hour to see how many 'red' areas there currently are.
- Road congestion – the proposal will take Station Road North over its capacity. It is already congested. As a regular user of the 51 bus into Newcastle, I can say that this service is routinely 10 and sometimes 30 minutes late due to its slow journey passing Cobalt Business Park and along the A191 and A186. Also I am concerned to learn from your previous response that the traffic ingress and egress at the junction of Station Road and Wiltshire Gardens will be limited. I find this junction is the only way out of Hadrian Lodge West/Redesdale Park to avoid long delays on Station Road during peak hours.
- Public Transport – I welcome the recent increase in operating hours of the 51 bus which is an excellent service, as far as it goes. However, the area between the A191 and A1058 from Benton to Palmersville is on the whole very poorly served by public transport in particular the Metro. I would like to see a new metro station near the metro underpass from the Bellway Industrial Estate into the Granville Drive area with appropriate safe pedestrian access which would serve Hadrian Lodge and Hadrian Lodge West as well as the new development on Station Road.
- Cycle infrastructure – I welcome the proposal for the long overdue cycle way on the south side of the A191 between Station Road and Asda, a road I only use early on a Sunday morning as it's too dangerous at other times. I'd also like to see dual use footpaths on both sides of Station Road from The Range at least to St Bernadette's Church. Additionally there are a very large number of wagon ways that with improvements could make cycling in the borough much safer and

more direct for the cyclist keeping them well away from increasingly busy roads and I'd like to see the developers making investments in these. As a regular cyclist all around the borough I am particularly concerned about the following which have very poor surfaces, potholes and can be quagmires after a period of rain yet provide quick north south and east west connections for cyclists and pedestrians well away from busy roads:

-West of Station Road past East Benton Farm Cottages over the ECML behind NUFC training ground onto the A191. This could also be a short and safe pedestrian route to Benton Metro, the nearest station to Hadrian Lodge West which is poorly served by Metro.

-The track east of Station Road north of Hadrian Lodge to the Rising Sun Hill. This also requires a safe crossing point on Station Road or at least cyclist access from the proposed crossing at Hotspur Road.

-The track from east end of Hotspur Road to Rising Sun Cottages.

-Track eastwards from Rising Sun Farm Road to the start of the tarmac stretch behind Battle Hill estate.

-The Coxlodge Wagon Way eastwards from the Newcastle section crossing the ECML to Wiltshire Drive passing the allotments.

-The track northwards from the Coxlodge Wagon Way to NUFC training ground.

-The track from Forest Hall (Granville Drive area) under the Metro line and across the ABT line into the Bellway Industrial Estate.

-Affordable Housing – I am not convinced that affordable housing is being given the priority required in these developments. It is not in the interests of developers to build it. When you say that East Benton Rise will have 25% affordable housing, is this housing which is deemed affordable to buy or will it be available to rent? How much affordable housing will be available in the above development? The government seems to be intent of covering huge areas with housing yet we do not seem to be making any headway with the housing affordability crisis. I can only conclude that their real priority is to provide work for developers rather than solve a pressing social issue.

-Community and Environmental Benefits – What is the total cost of the community and environmental benefits which will be secured from the private sector should the application be approved? I note that the sports infrastructure gains from the East Benton Rise development are not local so those living in the area will probably be driving to access them if at all. What plans have been made to provide wildlife corridors to and from the Rising Sun Country Park into residential areas of Wallsend, Benton, Forest Hall and Holystone?

-Flood risk – I reiterate my point about robust flood modelling. Has a flood risk assessment been done? The proposed development will result in even more soak away area being removed in a position elevated from Hadrian Lodge West, laying it open to flooding.

-In their recent traffic assessment the developer suggests minimal queues on Station Road and the surrounding routes. I have recently asked for a freedom of information report on the traffic volume in 2007 and more recently 2016. In 2007, 16,000 cars per day used Station Road North and in 2016 it has increased to 20,000. It was also stated that with the roadworks on the The Silverlink it was possibly peaking at 24,000 vehicles. Perhaps the developer carried out their study at 4am on Sunday?

-I have personally experienced the difficulties expressed by residents of Hadrian Lodge and Sunholme estates in trying to access Station Road to leave their homes.



The stretch of road adjoining the site at Station Road East is a disgrace with potholes, ramps, patched areas and mud and debris all over the carriageway. The northern most pavement is completed but the stretch south of the half built roundabout is merely a trench which is full of water. This causes hazards to both road users and pedestrians.

-Given that the Highways Agency state that 70,000 cars per day use the A19 at present and that the improvements to the Silverlink will increase this number, the addition of more homes and cars in this area of Wallsend is surely going to add to the chaos.

-The idiocy of the removal of Norham Road bridge in parallel with the ongoing major road works in this concentrated area means that the traffic chaos now extends to the Coast Road, Churchill Street, the old Coast Road, Battlehill Drive and Middle Engine Lane. The road surface on Churchill Street in particular is beginning to show the effects of the increased in traffic with potholes and drain covers sinking and the other roads mentioned will soon follow suit. The queues on all of these roads at peak times and the waiting time to leave Hadrian Park estate gives a clear indication that additional housing cannot be placed in this area of the borough.

I would re-iterate the points regarding air quality which will suffer under the increased traffic.

-A recent report by the British Medical Association stated that anyone living next to a road that had 10,000 cars or more passing by has a 30 per cent greater chance of contracting respiratory diseases including lung cancer and was a contributory factor in the development of asthma in young children. The people in this area are extremely concerned by these findings and are extremely interested. Couple that danger with the Station Road east estate being built next to a former landfill site of enormous proportions that stretched from station road north to Scaffold Hill farm. Further research has shown that this contained some of the most deadly chemicals and materials and waste including chemical waste from factories, building sites, colleges, household and other sources and was managed according to health and safety regulations of the time. Studies have shown that living within two miles of such a historic landfill where such waste was placed with no safeguards in the 60s and 70s also increases the potential to contract deadly forms of cancer and may have an adverse effect on unborn children.

-A further health risk to occupants of the proposed development are the major power lines crossing the field. The fact that large amounts of research have linked childhood leukaemia to living in the proximity of power lines and pylons.

-Station Road East is built on land that is linked to historic flooding .The addition of several "lakes" to the development shows the effect of rainfall on the area. The residents of Sunholme, Hadrian Lodge and Chicken Road areas must be very concerned as to the effect of more housing on the soak away factor. The fact that it is also built on the site of the deepest mineshaft in Europe and this mine was closed because of uncontrollable flooding in 1969 is an area for concern.

-Given the points made above regarding the pressure on road infrastructure: how would we cope if the roads were constantly flooded and made inaccessible?

-Finally given the facts that houses are collapsing on piece in similar developments in the area, due to historic mineshaft collapses, further development on these sites does not, in my opinion, constitute responsible development. On the contrary, it displays a flagrant disregard for the wellbeing and health of residents already live close by and endangering what little green

space and wildlife, that we, and future generations have left to enjoy. It shows no thought process on how to cope with the extra 2500 cars plus that these developments will bring. Northumberland County Council have voted to scrap their core strategy development plan as they feel that green belt must be protected and that over development has a negative impact on current residents. Perhaps North Tyneside Council may adopt a similar strategy, especially as the available green belt and countryside in our borough is significantly less than that of Northumberland.

-This must be one of the most polluted areas for Nitrogen dioxide in the country, and to add insult to injury, Persimmons want to wreak havoc and develop Station Road West to increase pollution even more, and totally bring the whole infrastructure to a complete standstill. If required I have all of the photographs, reports and research to back up all of these findings. The general public must be protected from this onslaught of reckless developments and common sense must prevail instead of the "we simply don't care, profit must prevail over everything else" attitude which appears to be a factor in previous applications.

-An objector has submitted an article on nitrogen dioxide.

- I understood that planning permission for East Benton Rise came with a promise of highway improvements that would aid traffic flow and prevent congestion. Now that the kerbing and new roundabout are in place on Station Road North it is clear that the new road is far too narrow and that the roundabout does not feature filter lanes to access the new development. The pavements have been widened but at the expense of a grass verge between road and pedestrian and with such a narrow highway, pedestrian safety is now a real issue. How this has been allowed to happen is beyond belief and should be looked at as a matter of urgency before casualties occur.

-For a variety of reasons Station Road North has now become the preferred arterial route between the A19 at Holystone and the A1058 Coast Road and is not equipped for this level of traffic. These developments and the totally inadequate road "improvements" will make a bad situation even worse unless someone calls a halt to this madness.

-The number of developments from Backworth, Holystone and Station Road is extreme. Then there are further developments along Whitley Road so getting from Holystone to Four Lane Ends will become so overcrowded. Another 400 houses is just too much. We will have no breathing space and the roads just cannot support this extra traffic (probably two cars per house). Widening the roads is not the answer. No doubt the trees along Whitley Road will be sacrificed. There is no green space left. These are not the houses the region needs anyway. And all this going on at a time when the region is already gridlocked by road closures and roadworks.

-The Rising Sun Park will be isolated as the only green space in the region but what is the point of having that if getting to it is a nightmare and the only view around it is concrete

- The developers sales material is laughable when they speak of local amenities within minutes of these sites when it can take over an hour and peak times to get along the A191. The existing Metro Stations have limited park and ride schemes - the Council could have provided an excellent large facility at Palmersville on the former Stanley Miller site which could have serviced the new development at Holystone but showed lack of foresight by granting planning permission for even more new houses.

-We do not believe that the figures produced by the council for new housing

required are accurate and would urge councillors and planners to reduce the number proposed on this site.

-The proposed development does not support the local plan increase in the elderly population of nearly 19,000 people. All recent developments are for mid market homes, so this development should focus solely on the elderly if it is to be compliant with the ONS informed local plan.

-The plans do not include local amenities such as shops, schools or health care provision.

-The school provision for over 1000 new homes in the local area has not been considered.

-The primary medical and dental care for over 1000 new homes in the local area has not been considered.

-The provision for local endangered species of birds and bats is insufficient.

-The development is not required now because there are sufficient numbers of houses already being built to meet the projected need for right now and in years to come. Please let the site on East Benton Rise get built and mature along with all the other developments, and then measure against the baseline information in the surveys provided by the developer.

-All surveys were commissioned by the developer, so they cannot be independent. If you took the above approach this would validate or otherwise the numbers in the surveys for East Benton Rise.

-I note that the mitigation strategy will give money for the upkeep of the Rising Sun Country Park. Please be transparent in how much this is and whether it will be ring fenced. Also, and more importantly, given that Benton Quarry Park is equidistant or closer than the Rising Sun Country Park, Benton Quarry Park should be given some of this money as it is likely to be used more.

-ONS population projections show a projected increase in North Tyneside's population of approximately 22k, of which 20k will be over 65s. There is more than enough housing being built to meet the needs of the under 65s but nothing for the over 65s. This proposal does not meet the needs of the projected population increase that the Council relied on for its Local Plan so it should be rejected on that basis alone.

-The Council identified the site for 500 homes, but the developer is seeking permission for nearly 600. The numbers should be cut back to what the council stated in its own Plan.

-Over a thousand houses are already being built within a mile of this site and it is my understanding that the houses currently being built or that already have planning permission will meet the needs of the borough for many years to come. The site is not close to decent public transport and with poor cycle links residents will have to use their cars.

-The Council needs to consider the impact of the East Benton Rise site, the development at Scaffold Hill, opposite Benton Quarry Park, in addition to the new houses on Mullen Road further south and on the old school site on the A191, on not only traffic but also on local amenities.

-With regard to the road improvements themselves, the proposed lights at Hotspur Road should be replaced with an enhanced roundabout. A set of lights in a flow with four roundabouts in it will only cause further delays. The access to/from Hotspur Road is sporadic so lights would be overkill.

-Although there are proposed improvements to the Station Road/Coast Road roundabout I am not convinced they will help matters as, unlike Hotspur Road, this is well used and it is not clear if there is direct westbound access to the

Coast Road. More traffic will be pushed northwards as a result, again onto Whitley Road for eastbound/westbound traffic and along Mullen Road for westbound traffic.

-The council has had to block off Thornhill Road/Queens Gardens since the new lights have been put in place at Tyneview Park, and this has increased traffic in my street. Commuters use this as a rat run and this will only get worse.

-The proposal cannot promote healthier lifestyles. It is away from public transport and local amenities, so people will rely on their cars to get about, and it is dangerous to ride a bicycle around this area.

-More traffic fumes cause more respiratory diseases.

-The proposal states that some dwellings will be built to allow bats to nest. Will the buyers of these homes know this and are they under any obligation to keep them there?

-Many birds identified in the area are endangered so the development should not go ahead on that basis too.

-However, if the development is to go ahead, I suggest that the development is amended as follows: the farm track leading to East Benton Farm is retained for walkers and cyclists, with the hedgerows retained and replanted where missing. This would give some element of space away from traffic for walkers, cyclists and horse riders. I welcome the wide northern boundary. The green boundary should be similarly widened at both the south and east of the site. This would provide the illusion of green space as well as habitat for wildlife and protect the southern end of the site and the Wiltshire Drive development from flooding. The design of the main development should be changed to that of a village around some amenities and a green, rather than another mass housing estate. The estate should have through access for walkers and cyclists who want to avoid the main roads. Greenery should be incorporated into the estate itself so that the visual aspect is less harsh.

-I note that it is proposed that monies from the developer under a 106 agreement are stated to be paid towards the upkeep of the Rising Sun Park. As a member of The Friends Of Benton Quarry Park (located in close proximity to the development), I would request the Council to revise this proposal to ensure at least 10% of the 106 monies are allocated for improvements to Benton Quarry Park.

#### 4.0 External Consultees

##### 4.1 Northumbrian Water

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

4.3 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 a number of connection points to suit the site topography (manholes 9401, 0404 and between 4901 and 5901). This document further states that part of the site will discharge directly to the watercourse, with a restricted surface water discharge rate of 46l/sec discharging to the existing surface water sewer at manhole 9306 to suit the site topography.

4.4 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.

4.5 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. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

#### 4.7 Network Rail

4.8 With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway.

#### 4.9 Drainage

4.10 We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

4.11 Water must not be caused to pond on or near railway land either during or after any construction-related activity.

4.12 The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

4.13 The construction of soakaways within any lease area is not permitted.

4.14 The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

4.15 The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

4.16 If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit

for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

#### 4.17 Wayleaves and or easements for underline drainage assets

4.18 The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

4.19 Protection of existing railway drainage assets within a clearance area  
There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

4.20 No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

4.21 There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

4.22 The purchaser is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton (matthew.shelton@networkrail.co.uk) for further information and assistance.

#### 4.23 Fail Safe Use of Crane and Plant

4.24 All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

#### 4.25 Excavations/Earthworks

4.26 All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.

#### 4.27 Security of Mutual Boundary

4.28 Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

#### 4.29 Armco Safety Barriers

4.30 An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. There are several hammerhead junctions and parking areas proposed adjacent to the railway where this would be applicable.

#### 4.31 Fencing

4.32 Although the existing Network Rail fence is adequate in preventing trespass there will inevitably be pressure from the new residents to soften or even attempt to alter its appearance. It should be noted that our fence should not be altered or moved in any way and nothing should be put in place to prevent us from maintaining our boundary fence as we are obliged to do so in law. It is our experience that most developments seek to provide their own boundary enclosure so as to avoid such future problems. It would also help to reduce the impact of railway noise. We would advise that the developer should provide a trespass proof fence adjacent to Network Rail's boundary (minimum 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

#### 4.33 Method Statements/Fail Safe/Possessions

4.34 Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

#### 4.35 OPE

4.36 Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

#### 4.37 Vibro-impact Machinery

4.38 Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

#### 4.39 Encroachment

4.40 The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

#### 4.41 Noise/Soundproofing

4.42 The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

#### 4.43 Trees/Shrubs/Landscaping

4.44 Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:



#### 4.45 Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata “Zebrina”

#### 4.46 Not Acceptable:

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

4.47 A comprehensive list of permitted tree species is available upon request.

#### 4.48 Lighting

4.49 Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

#### 4.50 Access to Railway

4.51 All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

4.52 Network Rail is required to recover all reasonable costs associated with facilitating these works.

4.53 I would advise that in particular the drainage, boundary fencing, Armco barriers, method statements/OPE, soundproofing, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

#### 4.54 Tyne and Wear Archaeology Officer

4.55 Historic England should be consulted on the setting of the listed buildings. I note that a Heritage Impact Assessment has been submitted.

4.56 I trust that the attractive stone boundary walls close to the farm will be retained as these form part of its curtilage?

4.57 The archaeological work in the northern part of the site (phases 1 and 2) was completed in 2012.

4.58 A geophysical survey has been submitted for the southern part of the site (phase 3). This identified ridge and furrow (medieval and post medieval ploughing), a ditch which is likely to be a World War Two anti-aircraft obstruction to prevent enemy planes from landing, and several curvilinear and linear anomalies.

4.59 Lidar and aerial photographic data has revealed a raised area, probably associated with the Willington Waggonway, which runs across the site. The waggonway served Bewick, George and Christo Pits and probably opened in 1785 and closed in 1800, like the associated line which ran from Bigges Main to Willington Square. The course of the waggonway is now marked by a field boundary.

4.60 The extant earthworks representing medieval ridge and furrow, in the field south of East Benton Farm, have been subject to topographical survey. In the lower half of the field, a ditch with a bank to either side overlaid the ridge and furrow (thus is a later feature).

4.61 Archaeological work required:

Archaeological evaluation trial trenching to investigate the geophysical anomalies and the earthworks relating to the Willington Waggonway and the banks and ditch which overlie the ridge and furrow. A small number of test trenches will also be dug to check that 'blank' areas on the geophysics are genuinely devoid of archaeological features.

Where archaeological features are found in the preliminary trenches, these will need to be fully archaeologically excavated before development can commence.

I can provide a specification for this work when required.

4.62 Archaeological Excavation and Recording Condition

No groundworks or development shall commence in phase 3 of the development (as shown on Concept Architecture's drawing PAR\_05 dated 29.09.16) until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

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

4.63 Archaeological Post Excavation Report Condition

The buildings within phase 3 of the development (as shown on Concept Architecture's drawing PAR\_05 dated 29.09.16) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition ( ) has been submitted to and approved in writing by the Local Planning Authority.

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

#### 4.64 Archaeological Publication Report Condition

4.65 The buildings within phase 3 of the development (as shown on Concept Architecture's drawing PAR\_05 dated 29.09.16) shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

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

#### 4.66 Environment Agency

4.67 Having assessed the supporting information I can advise that we have no objections to the proposed development and have no further comments to make at this time.

#### 4.68 Nexus

4.69 Following a review of the application, Nexus is impressed by the levels of accessibility achieved through the use of pedestrian links from the development to existing transport services. Based on the existing bus network this includes a direct service to Newcastle and frequent services to various locations around North Tyneside.

4.70 As set out in the Nexus Planning Liaison Policy, due to the size and nature of the development Nexus requires the developer to fund the provision of two four-weekly Network One all zone travel passes per dwelling.

#### 4.71 Newcastle City Council

4.72 No observations to make on the proposal.

#### 4.73 Natural England

4.74 Natural England has no comments to make on this application.

4.75 Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

4.76 Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

4.77 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the

proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

4.78 We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

#### 4.79 Highways England

4.80 Highways England has no comments to add to our previous determination made in May 2017 and accordingly we have no objections to this application as set out.

#### 4.81 The Coal Authority

4.82 The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

4.83 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

#### 4.84 Historic England

4.85 It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

#### 4.86 Newcastle International Airport (NIA)

4.87 The airport is satisfied with the assessment undertaken and the recommendations to mitigate the increased risk of bird strike with aircraft operating from the airport stemming from the proposed development. These recommendations, and those contained within the original bird strike risk assessment submitted in November 2016, include specific recommendations about the design of the onsite SUDS but also on site management obligations. The airport is comfortable that a bird hazard management plan is not required at this location, as recommended in the revised assessment. However site management proposals such as the provision of goose proof fence as the reed panting becomes established, should be conditioned. The Airport would also be expected that that the final designs for the sites SUDS and landscaping are conditioned and consulted with the airport to ensure they meet the recommendations in the assessment.

4.88 The airport notes that in addition to providing additional planting and SUD pond creation on the development site itself, the applicant is now proposing to create a wildlife mitigation area adjacent to Rising Sun Country Park, circa 0.6km to the north east. In principle the airport does not object to the creation of a

mitigation area for the creation of habitat aimed at the species identified in the 'Mitigation, Compensation and Enhancement Strategy'. The habitat creation is not proposing to create any additional open water which would likely enhance its attractiveness to feral geese. However the airport would expect that the bird strike risk assessment is updated to reflect the introduction of this mitigation area as part of the application. In particular, given that the current assessment indicates a zero tolerance approach to breeding geese species, its needs to be demonstrated to the airport that this new habitat will not attract such species.

4.89 In relation to the above, the bird strike risk assessment recommends that a management plan for the SUDS should set out techniques for discouraging the settling of feral geese species and ensuring the covering of open water. It is unclear if the need for the management plan will be conditioned, but there is no mention of such techniques in the submitted 'Wildlife and Habitat Management and Maintenance Plan', although it is acknowledged that this specifically relates to the compensatory mitigation area.

#### 4.90 NIA Initial comments

4.91 The application is already accompanied by a bird strike risk assessment, which identifies that the risk of the development increasing the propensity for aircraft bird strikes to be low. Provided that the recommendations in the report are adhered to the airport has no objection to the scheme. Specifically the assessment states that –

- The SUD ponds should have no islands and the pond banks should be planted with a continuous border of Common Reed *Phragmites australis*. Until the reeds are established a goose proof fence should be erected around all water bodies.
- As part of a management plan for the SUDs there should be a zero tolerance for breeding geese species and techniques are proposed to discourage nesting, the results of which should be monitored throughout the breeding season. This should be undertaken irrespective of land ownership.

4.92 Suitable conditions should be applied to a grant of planning permission to enforce the above, including provision of a bird strike management plan. If these measures are not incorporated into the scheme and enforced as described in the Bird Strike Risk Assessment accompanying the application, it is apparent that the development could present a heightened risk of bird strike and Newcastle International Airport would wish to object to the application.

**Item No:** 5.2  
**Application No:** 17/00900/REM Author: Julia Dawson  
Date valid: 15 June 2017 ☎: 0191 643 6314  
Target decision date: 14 September 2017 Ward: Whitley Bay

Application type: approval of reserved matters

**Location: Site Of Former Avenue Hotel, Park Avenue, Whitley Bay, Tyne And Wear,**

**Proposal: Reserved matter application of 16/00319/OUT relating to approval of the layout, scale, appearance, landscaping and access for the development of 12no dwellings. Discharge of condition 10 (detailed parking scheme), 11 (refuse storage facilities), 12 (foul and surface water drainage), 16 (cycle storage), 17 (gas investigate no development), 18 (contaminated land investigation), 24 (house martin nest boxes), 26 (coal mining site investigations), 27 (boundary enclosures) and 31 (public art scheme) of 16/00319/OUT.**

Applicant: North Tyneside Council, C/o Agent Richard Brook North Tyneside Council Quadrant East 16 The Silverlink North Cobalt Business Park North Tyneside NE17 0BY

Agent: Kier North Tyneside, FAO Guy Holmes Kier North Tyneside Harvey Combe Killingworth Newcastle Upon Tyne NE12 6UB

**RECOMMENDATION:** Minded to grant on expiry consultation

## **INFORMATION**

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

#### 1.0 Main Issues

1.1 The main issues for Members to consider in this case are whether the reserve matters relating to the layout, scale, appearance, landscaping and access for outline planning permission 16/00319/OUT are acceptable.

#### 2.0 Description of the Site

2.1 The application site relates to the site of the former Avenue Hotel on Park Avenue, the adjoining No.1 Brook Street, and an area of open land to the front of the former building. The application site occupies a prominent plot with frontages onto Brook Street, Brook Gardens, Promenade and Park Avenue. The buildings were acquired by the Council in 2014, and subsequently demolished, after lying vacant and in a state of disrepair for several years. The land is intersected by a small access road, which provides access to the rear of the houses on Park Avenue and Brook Street. The site is located within Whitley Bay town centre, and is partially located on open space, within a wildlife corridor, and is an allocated housing site (Local Plan designations).

### 3.0 Description of the Proposed Development

3.1 Outline consent was granted in 2016 for 12no. residential dwellings. This application seeks consent for reserved matters relating to approval of the layout, scale, appearance, landscaping and access for the development of 12no. dwellings. In support of the application the following reports/documents have been submitted:

- Phase 2 Ground Investigation and Assessment
- Design and Access Statement

3.2 The applicant has submitted information as part of the current application, which is intended to discharge the following conditions, which were attached to the outline consent:

- Condition 2 (reserved matters)
- Condition 3 (time limit)
- Condition 10 (detailed parking scheme)
- Condition 11 (refuse storage facilities)
- Condition 12 (foul and surface water drainage)
- Condition 16 (cycle storage)
- Condition 17 (gas investigate no development)
- Condition 18 (contaminated land investigation)
- Condition 24 (house martin nest boxes)
- Condition 26 (coal mining site investigations)
- Condition 27 (boundary enclosures)
- Condition 31 (public art scheme)

### 4.0 Relevant Planning History

#### 4.1 1 Brook Street And The Avenue Hotel, Park Avenue:

14/00565/DEMGDO - Demolish existing buildings, site to be sub soiled, top soiled and grass seeded – Exercise Control Over Demolition and Restoration  
06.05.2014

#### 4.2 The Avenue Hotel And The Dome Spanish City:

12/00143/OUT - Full planning permission for refurbishment of The Spanish City Dome building and outline planning permission with all matters reserved except landscaping for new build mixed use development, site landscape works, public open space and promenade. Mixed uses include family activity centre, gymnasium, shops, restaurant, food outlets, managed workspaces, offices, hotel, carehome, townhouses/apartments and associated parking – Approved  
21.08.2013

#### 4.3 Site Of Former Avenue Hotel:

16/00319/OUT - Outline planning application for residential development with all matters reserved – Approved 11.05.2016

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

### 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 for Members to consider in this case are whether the reserve matters relating to the layout, scale, appearance, landscaping and access for outline planning permission 16/00319/OUT are acceptable.

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

### 7.3 Preliminary Matters

7.4 The principle of building up to twelve residential dwellings on this site was granted outline planning permission on 11 May 2016. Therefore the principle of the development has already been firmly established.

### 7.5 Layout

7.6 The National Planning Policy Framework (NPPF) states that the Government attaches great importance to the design of the built environment. It states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

7.7 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.

7.8 The NPPF outlines 12 core planning principles which should underpin decision taking. It states that local planning authorities should contribute to conserving and enhancing the natural environment and reducing pollution. It goes on to state that new and existing development should be prevented from contributing to unacceptable levels of air or noise pollution. To prevent unacceptable risks from pollution local planning authorities 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 from pollution, should be taken into account.

7.9 Local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.



7.10 The NPPF defines pollution as ‘anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.’

7.11 Policy S1.4 of the North Tyneside Local Plan 2017 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of the Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

- a. Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change.
- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.
- c. Make the most effective and efficient use of available land.
- d. Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- e. Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

7.12 Policy DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

7.13 Policy DM6.1 of the emerging Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

7.14 LDD11 ‘Design Quality’ applies to all planning applications that involve building works. It states that extensions must offer a high quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

7.15 Policy DM7.4 New Development and Transport states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and

seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

7.16 LDD12 Transport and Highways SPD set out the parking standards for new development.

7.17 The proposed layout is similar to the indicative site layout which was submitted as part of the outline application (16/00319/OUT). The proposed dwellings will be set in a terraced crescent of 12no. dwellings (split into individual terraces of 4no. dwellings and 8no. dwellings respectively with landscaping, two parking spaces and a footpath between each block). This is also similar to the indicative layout considered acceptable as part of planning approval 12/00143/OUT, which had one terraced block.

7.18 The proposed north western facing terrace will be set slightly forward of the front elevation of the nearest neighbouring property on Park Avenue, and the larger terrace would then follow the Promenade around to Brook Street. When compared to the indicative site layout units 5 and 6 have been set further back within the site to allow a more open aspect on the corner. On the plan this is shown as a larger front garden enclosed by a low level boundary treatment and shrubbery along its frontage. As per the outline application, the proposed layout shows individual private front and rear gardens for each dwelling, with parking within the rear part of the site and an access road from Brook Street maintaining access to the rear of the existing properties.

7.19 The impact of the proposed dwellings on the residential amenity of neighbouring occupiers with regard to outlook, daylight, sunlight and privacy is also considered to be acceptable. Due to the location, layout and orientation of the dwellings, it is Officer advice that sufficient separation distances will remain between the existing properties on Brook Street (with particular reference to the nearest properties towards the corner of Brook Street and the Promenade) and the proposed dwellings to maintain an acceptable standard of residential amenity for these residents. The front corner of the south western facing elevation of unit 1 would be set marginally forward of the neighbouring property on Park Avenue. This would not result in any significant disruption to the outlook from the main habitable windows of dwellings on Park Avenue.

7.20 The Northumbrian Police Architectural Liaison Officer has commented that he supports the general layout of the scheme, but that he would have advised against keeping the public footpath through the development and recommended that it be realigned to the outside of the site. This point is noted. However, the retention of the public footpath was considered acceptable by Members in determination of the outline planning application. It is considered that public footpath through the site will take advantage of key views through the site towards Spanish City, and will maintain a pedestrian access which is essential for the flow of coastal visitors to the town centre.

7.21 The Council's Design Officer has commented that the design is based on an assessment of the site and its context. The proposed units are arranged in two separate blocks and generally follow the existing building lines and provide an active frontage to The Promenade and Park View.

7.22 The Design Officer has also advised that parking is well designed to the rear of the properties and ensures an attractive street scene is maintained. He supports the retention of the existing pedestrian link through the site, which he advises allows for easy pedestrian flow through the site providing additional surveillance and activity, opening up views through the site and of the Spanish City Dome, linking the community to seafront.

7.23 Concerns have been raised by a local resident with regard to disturbance (from noise, lighting, deliveries etc.) and safety at the site during the construction phase. A number of conditions have been suggested to control these matters and limit the impact on nearby residents. These are noted.

7.24 The Council's Environmental Health Officer has also recommended conditions to protect surrounding residents from noise and dust disturbance during construction works. She has also considered the impact of the road traffic noise from the A193 on the future occupants of the proposed development. She has noted that proposed housing layout has considered the location of the garden areas to the rear of the buildings that will act as a screen. However, for plots 1 and 11 areas of the gardens will still have line of sight of the road and acoustic fencing in the form of 1.8 m high boarding must be provided. Appropriate mitigation measures will be required to ensure acceptable internal noise levels of habitable rooms. Conditions are suggested to control these matters, however the original conditions attached to the outline planning permission cover these matters and are still applicable. They will have to be formally discharged and complied with by the applicant before the development progresses.

7.25 Concern has been raised with regard to the impact of the proposed development on the existing on-street parking situation for surrounding residents, who currently use part of the application site to park their cars. This concern is noted. However, the Highway Network Manager has advised that the parking layout and access is in accordance with current standards. Cycle parking and refuse storage is also provided for each dwelling and the site has good links with public transport and local services. He has recommended approval of the application subject to the recommended conditions.

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

7.27 Policy DM5.14 'Surface Water Run off' of the Local Plan states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable.

7.28 Policy DM5.15 'Sustainable Drainage' states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

7.29 The Council's Lead Flood Engineer has raised concerns with regard to the proposed development. He has noted that the applicant has correctly identified the site as being not at risk of river or sea flooding. However, he has advised that it is at high risk of surface water flooding. The area is identified on the Environment Agency flood risk maps as being at risk of surface water flooding. In addition the Council have had several reports of internal flooding to a number of properties adjacent to The Avenue Pub and the local road network in the vicinity of the site.

7.30 As such, the Lead Flood Engineer has requested a full flood risk assessment for the site and details of what mitigation measures will be introduced to reduce the risk of surface water flooding to the proposed development. He cannot recommend approval of the application until this detail has been submitted and considered. In light of this feedback, the applicant has submitted further information and comments are awaited from the Lead Flood Engineer. These will be reported to planning committee in an addendum.

7.31 Subject to the comments of the Local Lead Flood Authority and the suggested conditions, it is officer advice that the proposed layout is acceptable.

#### 7.32 Scale

7.33 The NPPF states that local planning policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area. It also seeks to secure high quality design for new development.

7.34 Policy DM6.1 'Design of Development' states that designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Amongst other criteria proposals are expected to demonstrate (a) a design responsive to landscape features, topography, site orientation and existing buildings, and (b) a positive relationship to neighbouring buildings and spaces.

7.35 LDD11 'Design Quality' states that the scale, mass and form of new buildings are some of the most important factors in producing good design and ensuring development integrates into its setting within the wider environment.

7.36 The existing residential character of the local area is predominantly Victorian and Edwardian terrace houses with some semi-detached houses in the wider area. Properties are largely two and three story houses, often with an additional storey within the roof space. Traditional slate pitched roof and small front gardens are common features. Boundary treatments are a mix of low brick walls and metal railings. Nearby buildings along the sea front are predominantly grander in scale and presence, reflecting the prominent role of this public frontage.

7.37 The application site is a prominent corner plot, and a contemporary interpretation of a traditional three storey terraced development is proposed. It will border the existing traditional terraced properties on Brook Street and Park Avenue and will largely match the heights of these buildings.

7.38 When taking into account the location of the site and the character of the surroundings, the scale of the development is considered to be acceptable.

7.39 Members need to determine whether the proposed scale is acceptable and whether it accords with the NPPF, policy DM6.1 and LDD11 'Design Quality' and weight this in their decision.

#### 7.40 Appearance

7.41 LDD11 'Design Quality' provides guidance on the design of buildings and spaces in North Tyneside. It states that the Council will encourage innovation on the design and layout provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated.

7.42 The applicant has provided a Design and Access Statement which states that the proposed townhouses are a modern interpretation of a traditional terrace house.

The terrace form and use of traditional materials is drawn from the current mix of architectural styles present along the sea front. The design principles provide each unit with direct sea views from all principle rooms, with accommodation predominantly spread over three floors. This formation responds to the scale, form and massing of the surrounding streets, and reflects the typical tall and narrow frontage of the surrounding area, so complimenting and enhancing the setting.

7.43 The layout and orientation of the terrace houses follows the North and East site boundaries and successfully turns the corner providing a strong street line and active frontage to the street scene, responding to both the site and coast line. Principle rooms have large areas of glazing to make the most of the sea front views, with recessed balconies to provide protection from the elements.

7.44 The frontages are located on the Promenade and Park Avenue, set back from the main curtilage behind private town gardens enclosed behind low masonry walls and metal railings. The individual private gardens provide an active street frontage, bringing domestic activity to harmonise with the public realm.

7.45 The Council's Design officer has stated that the appearance of the units has been designed from the concept of a traditional terrace interpreted in a contemporary manner and that it is a high quality contemporary design.

7.46 Members need to determine whether the proposed appearance is acceptable and whether it accords with policy DM6.1 and LDD11 'Design Quality' and weight this in their decision.

#### 7.47 Landscaping

7.48 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment.

7.49 Policy DM5.9 'Trees, Woodland and Hedgerows' states that where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the Borough, and:

- a. Protect and manage existing woodland, trees, hedgerows and landscape features.
- b. Secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.
- c. Promote and encourage new woodland, tree and hedgerow planting schemes.
- d. In all cases preference should be towards native species of local provenance. Planting schemes included with new development must be accompanied by an appropriate Management Plan agreed with the local planning authority.

7.50 Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

7.51 Policy DM5.7 'Wildlife Corridors' states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take

account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

7.52 The application site is located within a designated wildlife corridor. The Council's Landscape Architect and Biodiversity Officer have both noted that, although a level of landscaping is proposed on the submitted site plan, no detail has been provided. A detailed landscaping scheme is required via condition 22 of 16/00319/OUT. The applicant will have to submit the detailed landscape scheme for formal approval before occupation of the development takes place. Condition 24 of 16/00319/OUT relates to the provision of a house martin nest box. It is not considered appropriate to agree the details of this at this stage prior to the full details of the landscape scheme being submitted for consideration. Therefore, this condition cannot be discharged.

7.53 Members need to consider whether the proposed landscaping, subject to the suggested condition, would be acceptable and in accordance with policy DM5.9 and weight this in their decision.

## 7.54 Other Matters

### 7.55 Outstanding Conditions

7.56 The Contaminated Land Officer has considered the information submitted in respect of conditions 17 (gas investigation) and 18 (contaminated land investigation). However, whilst she has noted that the submitted Phase II Investigation has partially met the requirements of each of the conditions, further information is required to fully satisfy the conditions. As such, a partial discharge of each of the conditions is recommended in order to ensure that a Remediation Statement and then a Validation Statement (in respect of the gas investigation) and further information regarding the site investigation methodology (in respect of the contaminated land investigation) are submitted for approval.

7.57 With regard to information submitted in order to satisfy condition 26 (ground investigations), the Coal Authority has also noted that this only partially satisfies the condition in question. The condition requires the submission of a proposed specification of remedial works, including details of the proposed grouting grid. The Coal Authority would also expect full consideration to be given to the need to stabilise external areas of the site e.g. access roads and parking areas, where necessary.

7.58 In the absence of the details of the proposed scheme of remedial works/mitigation for the shallow coal workings, The Coal Authority does not consider that the applicant has provided the LPA with sufficient information to adequately address the requirements of Condition 26 of planning permission 16/00319/OUT. As such, it is suggested that the condition is partially discharged in order to ensure the submission of the scheme of remedial/mitigation works for the agreement of the LPA.

7.59 The applicant has applied to satisfy conditions 10 (detailed parking scheme), 11 (refuse storage) and 16 (cycle storage) as part of the current application. The Highway Network Manager has raised no objection to the details provided in respect of these conditions and it is therefore suggested that these conditions can be discharged.

7.60 The applicant has also applied to discharge condition 12 (foul and surface water drainage). Northumbrian Water (NWL) have been consulted on the application and have advised that they have no objection providing that the development is carried out in strict accordance with the pre-development enquiry response issued by Northumbrian Water that has been submitted as a supporting document to the application. This response sets out the foul and surface discharge rates, and NWL therefore request that a condition be attached to the approval to ensure that the development is carried out in accordance with this. However, the Council's LLFA, have not yet provided comments on this (in terms of the surface water discharge) and therefore the LPA is unable to discharge this condition at the current time.

7.61 The applicant has also submitted information in respect of condition 27 (boundary enclosures) and condition 31 (public art scheme). With regard to condition 27, the details provided are considered to be acceptable to allow the formal discharge of this condition. The proposed plans show a 1.1m high brick

wall with metal railings to the front curtilages, 1.1m high steel railings between the front gardens and 1.3m high timber fences between the rear gardens.

7.62 In terms of condition 31 (public art) the detail submitted is not considered acceptable to satisfy this condition. The applicant has stated that in order to satisfy the requirements of this condition careful consideration into the use of materials and public features have been developed to mitigate the impact of the development and tie in with the local character and context. It is further advised that through consistent use of materiality and landscaping the development will enhance the area creating a comprehensive link with the public realm and wider regeneration zone. 'Art deco' style railing features to the Promenade entrance create an art feature and focal point in keeping with the style of Whitley Bay Promenade Regeneration railing design.

7.63 Whilst the points made are noted, these are all considerations which would be made as part of any high quality residential development in this prominent location. The railings should be in keeping with the style of the promenade regeneration design, and this would be a reasonable expectation even without condition 31. Therefore, the proposed public art scheme is considered to be insufficient in terms of satisfying the condition.

#### 7.64 Conclusion

7.65 The principle of residential development on this site has been firmly established by the previous outline planning application. The application relates to those details still to be approved. Officer advice is that the scale, appearance, landscaping and access are acceptable. Officer advice is that, subject to supportive comments from the Local Lead Flood Engineer, the layout of the proposed development is acceptable. Members need to decide whether they consider that these reserved matters are acceptable.

7.60 The current application addresses several conditions which were attached to the outline planning permission. The remainder of the conditions attached to the outline planning permission remain valid and will have to be complied with as any development is progressed. It is therefore not necessary to repeat conditions which are already in place. Conditions set out below address issues arising from the consideration of the reserve matters submission.

#### **RECOMMENDATION: Minded to grant on expiry consultation**

**It is recommended that members indicate they are minded to approve the application subject to the comments of the Local Lead Flood Authority, and the conditions set out below and the addition or omission of any other considered necessary, subject to the receipt of any additional comments received following expiry of the consultation period and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**



## 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, 15.06.2017
- Site Location Plan, dwg no.16-1021 AV001
- Block Plan, dwg. no.16-1021 AV002
- House Type 1, dwg. no.16-1021 AV110
- House Type 2, dwg. no.16-1021 AV120
- House Type 3, dwg. no.16-1021 AV130
- House Type 4 - Proposed Floor Plans, dwg. no.16-1021 AV140
- House Type 4 - Proposed Elevations, dwg. no.16-1021 AV141
- Street Elevations, dwg. no.16-1021 AV210
- Site Layout, dwg. no.16-1021 401
- Design & Access Statement
- Phase 2 Ground Investigation & Assessment (CS088973-GIA-03)
- Topographical Survey, dwg. no.C137, 13.06.17

Reason: To ensure that the development as carried out does not vary from the approved plans.

- |    |  |        |   |
|----|--|--------|---|
| 1. | DMPO Statement granted amendments sought | S002   | * |
| 2. | Construction Method Statement - Major    | SIT007 | * |

3. Prior to commencement of the approved development above damp course level, full construction details of all windows and doors shall be submitted to and agreed in writing by the Local Planning Authority. All windows should be set back within the window reveal unless otherwise agreed by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to policies S1.4 and DM6.1 of the North Tyneside Local Plan 2017, LDD11 'Design Quality' and the NPPF.

4. No alarm boxes or other external features, including meter boxes, satellite dishes or ventilation extraction shall be installed to the approved development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance having regard to policies S1.4 and DM6.1 of the North Tyneside Local Plan 2017, LDD11 'Design Quality' and the NPPF.

5. Condition 2 of outline planning permission 16/00319/OUT requires details of the reserve matters of appearance, landscaping, layout and scale to be submitted to and approved in within writing by the local planning authority before the development of that phase and the development to be carried out as approved. The details of the reserve matters were agreed by Planning Committee on 19 September 2017 and therefore this condition is discharged.

6. Condition 3 of outline planning permission 16/00319/OUT required an application for the approval of the reserve matters to be made by 11.05.20121. The application for reserve matters was made on 15.06.2017 and therefore this condition is discharged.
7. Condition 10 of outline planning permission 16/00319/OUT requires a detailed parking layout to be designed in accordance with LDD12 (Transport and Highways SPD). The parking layout is included on drawing no.16-1021 401 PROPOSED SITE PLAN. This condition is now discharged.
8. Condition 11 of outline planning permission 16/00319/OUT requires details of the facilities to be provided for the storage of refuse to be provided at the premises. The details have been provided on drawing no.16-1021 401 PROPOSED SITE PLAN. This condition is now discharged
9. Condition 12 of outline planning permission 16/00319/OUT requires that the details to be submitted as part of the reserve matters shall include full information on the means of dealing with foul and surface water. Insufficient information has been submitted in respect of this matter. The proposal therefore would not provide a satisfactory means of surface water drainage and would be contrary to policies DM5.14 and DM5.15 of the North Tyneside Local Plan (2017).
10. Condition 16 of outline planning permission 16/00319/OUT requires details of secure undercover cycle storage for residential use to be submitted to the LPA for approval. The details are included on drawing no.16-1021 401 PROPOSED SITE PLAN. This condition is now discharged.
11. Condition 17 of outline planning permission 16/00319/OUT requires a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority. The details have been submitted. However, the Contaminated Land Officer has commented that whilst the requirements of part (a) of the condition have been met, a remediation and validation statement are still required. Therefore, part (a) of the condition is discharged, but parts (b) to (d) are not discharged and must still be formally satisfied.
12. Condition 18 of planning permission 16/00319/OUT required a detailed site investigation to be carried out to determine level of contamination at the site. Thereafter, the results and conclusions of the detailed site investigations (along with details of any required remediation, validation report and hotspots) were required to be submitted to the LPA for approval. The applicant has submitted information in respect of this condition (Phase II Ground Investigation & Assessment). However, the Contaminated Land Officer has commented that further information needs to be provided regarding the site investigation methodology. The information submitted within the Phase II report does not satisfy the requirements of Condition 18 and therefore it cannot be discharged.

13. Condition 24 of outline planning permission 16/00319/OUT requires the details of three house martin next boxes, which are to be incorporated into buildings within the development scheme, to be submitted to the Local Planning Authority for approval prior to the commencement of the construction of dwellings on the site. Details have been provided on drawing no.16-1021 401 PROPOSED SITE PLAN. However, the Biodiversity Officer has not provided comment on this in light of the lack of a detailed landscape plan at this stage. Therefore, the condition cannot be discharged.

14. Condition No.26 of planning permission 16/00319/OUT requires a scheme of intrusive site investigations for the shallow coal workings to be undertaken prior to this submission of this reserved matters application, and thereafter requires the submission of a report of findings arising from both of the intrusive site investigations, including the results of the gas monitoring undertaken, the submission of a scheme of remedial works/mitigation for the shallow coal workings/mine gas, including a timetable for the works to be undertaken. The Coal Authority has noted that, although intrusive site investigations have been undertaken, the condition has not been fully satisfied as the applicant has not submitted a proposed specification for the required remedial stabilisation works. The Coal Authority does not consider that the applicant has provided the LPA with sufficient information to adequately address the requirements of Condition 26 of planning permission 16/00319/OUT and the condition can not be discharged.

15. Condition 27 of outline planning permission 16/00319/OUT requires details of all boundary enclosures to be submitted to the LPA for approval. The details are included on drawing no.16-1021 401 PROPOSED SITE PLAN. This condition is now discharged.

16. Condition 31 of planning permission 16/00319/OUT requires the submission of a scheme of public art to be submitted to and approved in writing by the LPA. The applicant proposes to discharge this condition via the use of materials and public features, landscaping and the inclusion of 'art deco' style railings to the Promenade entrance to create an art feature and focal point. It is not considered that this is sufficient in terms of providing a scheme of public art in order to satisfy this condition. The condition cannot be discharged.

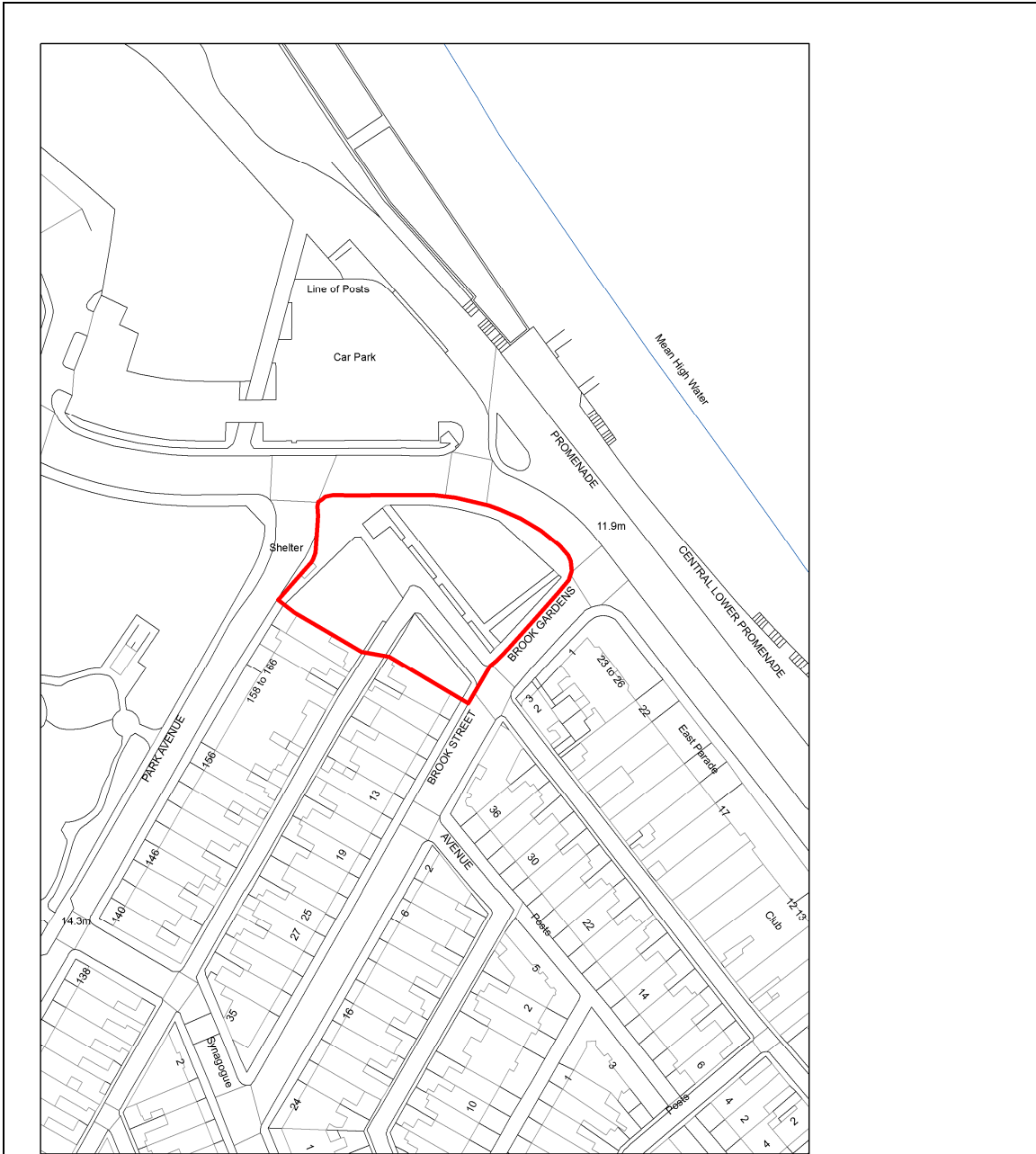
### **Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

#### **Informatives**

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](mailto:streetworks@northtyneside.gov.uk) (0191) 643 6131 to obtain a temporary footpath closure.

The applicant is advised that future residents may not be entitled to a parking permit under the council's residential permit scheme. For further information contact the Parking Control Team: [parkingcontrol@northtyneside.gov.uk](mailto:parkingcontrol@northtyneside.gov.uk) (0191) 643 2121

The applicant's attention is directed to the specifications and standards of the police approved security scheme "Secured by Design" (SBD Homes 2016). Details of the scheme can be found at [www.securedbydesign.com](http://www.securedbydesign.com)



**Application reference: 17/00900/REM**

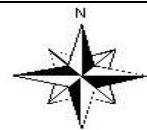
**Location: Site of Former Avenue Hotel, Park Avenue, Whitley Bay**

**Proposal: Reserved matter application of 16/00319/OUT relating to approval of the layout, scale, appearance, landscaping and access for the development of 12no dwellings. Discharge of condition 10 (detailed parking scheme), 11 (refuse storage facilities), 12 (foul and surface water drainage), 16 (cycle storage), 17 (gas investigate no development), 18 (contaminated land investigation), 24 (house martin nest boxes), 26 (coal mining site investigations), 27 (boundary enclosures) and 31 (public art scheme) of 16/00319/OUT.**

Not to scale

Date: 07.09.2017

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**Appendix 1 – 17/00900/REM  
Item 2**

**Consultations/representations**

1.0 Representations

1.1 Two representations have been received, these are set out below:

1.2 - I'm a resident of East Parade Whitley Bay, currently we rely on the small amount of Parking on Brook Gardens and the old site of The Avenue Hotel as with living on the seafront we are unable to park outside our home. The block we live in 23-26 East Parade and 1 Brook Gardens currently have between us 7 cars. As you can imagine parking is a massive problem to residents especially after 5pm when the area is free to anyone wishing to park there.

1.3 The redevelopment of our area is very important to us as over the years we have endured a lot of problems including run down properties etc. Further to the mentioned planning application I'm interested in what the council proposes to do for the existing residents parking needs when the extra 12 dwellings are built as this could potentially add at least another 24 vehicles to be parked in what is already a huge problem area for parking.

1.4 Personally and I know many of our neighbours feel the same think that the area should be permit parking only as meant other parts of Whitley Bay. For visitors i.e. People using the many restaurants, hotels etc there is a new rather large car park across the road which would serve the purpose quit adequately. Whitley Bay is growing into a nice place for people to visit along with the residents and the parking issues need to be addressed when dwellings are being built especially where current residents are already experiencing problems. I look forward to your response.

1.4 - I'm the owner of one of three properties in the street adjacent to the proposed site. I for one; am really pleased with the proposal and speaking with neighbours the general opinion is quite positive. However, there are some conditions and proposals, rather than objections, which may have been overlooked and should be considered or attached to the planning application.

1.5 Whilst I am speaking individually here, this is on behalf of the Brook Gardens Residents Group, encompassing the owners of No. 1, 2 and 3 Brook Gardens.

1.6 Much effort and consideration has gone into the design, layout and use of the land and in general it is a good use of the space. We are really keen to see the site developed and much needed high quality housing to be built.

1.7 Areas of Consideration

1.8 Parking - This scheme will have a major impact on the parking for existing residents even though the applicant has met standard level for new build housing in this area. This is principally as many residents have been forced to park on the site owing to poor parking control in the area.

1.9 Brook Gardens and Brook Street is a mixed Permit and Pay and Display location and as this scheme develops it would be prudent to reassess and change this as the needs and uses of the area have changed over time. Having completed 18 hourly traffic surveys since June 17th 2017 (I sit in the bay window a lot). There have been interesting findings: peak usage of the street is between 11.15am - 12.30pm and 5.30pm - 7.00pm. This is principally driven by people using the spaces to visit relatives and local businesses that have grown significantly over the last 5 years. A major pull factor is that the on street Pay and Display is a more affordable alternative to the more expensive foreshore car parking adjacent to the Premier Inn.

1.10 Similarly, many people utilise the area after 5.30pm as it is free, where as the foreshore carpark is Pay and Display until 8.00pm. Many people visit the fantastic restaurants but this is also peak time for residents returning home from work. There is also a significant skew of people on Sunday mornings owing to the new cafe culture in the area.

1.11 As this proposal is developing a whole site there is ample opportunity to redesign the parking management scheme in Brook Gardens to better accommodate existing residents, and those of East Parade. I would like to propose to the parking control manager that they:

1.12 Designate the onstreet parking bays from 1 Brook Gardens to 2/3 Brook Gardens as resident permit holders only (its lowering revenue from the foreshore carpark) This be piloted at the commencement of the building project with temporary signage and taking the pay and display out of service.

1.13 Proposed Condition: As a part of the grant of planning, place a condition that no resident of the proposed development will be eligible for a resident parking permit in perpetuity. I see that eligibility has been raised by the Highways Manager but if the planning department believe the level of private parking is adequate there should be no objections to this condition

1.14 Safety, Site Access and Working Times - We are really pleased with all of the redevelopment and rebuilding work taking place in the vicinity. However, at times it feels that there is just one constant building project which has now lasted for close to 3 years. Along with the demolition and clearing of the site in this application, the development of the Premier Inn and Beefeater and the sea defence work on the lower central promenade noise and impact from building works and deliveries has reached a cumulative nuisance level.

1.15 Proposed Condition: No construction activity or any delivery related to implementation of the development hereby approved shall take place out with the hours of 08:00 and 18:00 from Monday to Friday inclusive, 09:00 to midday on Saturdays, and at any time on a Sunday or a public holiday.

1.16 Proposed Condition: Any external lighting must only directly illuminate the application site. Reason: To safeguard residents from obtrusive light.

1.17 Proposed Condition: There shall be no burning of waste on the site during any construction or demolitions works. Reason: To safeguard local residents from smoke nuisance.

1.18 Owing to the number of children and vulnerable adults in the immediate vicinity, we would like to see the entire site encased in a solid hoarding fence, rather than a mesh safety fence.

#### 1.19 Environmental Health (Pollution)

1.20 The development will be affected by road traffic noise from the A193 and this was raised at the outline application stage when conditions were recommended to address sound insulation requirements for habitable rooms and orientation of garden areas to screen against road traffic noise. I note that the proposed housing layout has considered the location of the garden areas to the rear of the buildings that will act as a screen. However, for plots 1 and 11 areas of the gardens will still have line of sight of the road and acoustic fencing in the form of 1.8 m high boarding must be provided. Appropriate mitigation measures will be required to ensure internal noise levels of habitable rooms, e.g. living rooms and bedrooms meet the standards set out in BS5228.

1.21 Consideration must also be given to the protection of neighbouring residents from noise and dust during construction.

1.22 I would recommend the following conditions:

1.23 Prior to occupation, submit details of the acoustic specification of acoustic glazing to be provided for all living rooms and bedrooms facing onto the A193 Promenade which must be approved in writing and thereafter fitted to ensure a good internal noise level in accordance with BS5228 of 35 dB during the day and 30 dB during the night and no exceedance of maximum noise level of 45 dB(A) at night in bedrooms .

1.24 Prior to occupation, submit details of the ventilation scheme for habitable rooms facing towards the A193 for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2 of Approved Document F or mechanical ventilation.

1.25 Prior to development the details of the location and height of overlapping acoustic fencing of 1.8 metre height must be provided for plot numbers 1 and 11 to ensure an external amenity area of 55 dB is provided for the main garden areas in line of sight of A193 to ensure compliance with the world health organisation community noise level of 55 dB.

1.26 SIT03 and HOU04

#### 1.27 Contaminated Land Officer

1.28 After reading the Phase II further information is required for both GAS 06 and CON 01. The requirements of Gas 06 (a) has been met, we would require a Remediation Statement and then a Validation Statement.



1.29 With regards to CON 01, further information should be provided regarding the site investigation methodology. Within Section 3.7.1 of the Phase ii report the presence of a potential backfilled basement is discussed. Further information should be provided detailing in exactly which part of the site this is believed to be located and assessing whether further contamination testing (including asbestos) should be undertaken. The potential risk to protect human health should then be assessed.

#### 1.30 Local Lead Flood Authority

1.31 I have carried out a review of this application and the applicant has identified the site is not at risk of river or sea flooding which is correct however the site is at high risk of surface water flooding. The area is identified on the Environment Agency flood risk maps as being at risk of surface water flooding (see screen print below). In addition we have had several reports of internal flooding to a number of properties adjacent to The Avenue Pub and the local road network in the vicinity of the site. This was highlighted in my pre-app advice but the applicant has not acted on these comments.

1.32 As a result of the lack of a Flood Risk Assessment I have no option but to object to this application on the grounds that the site will be at high risk of surface water flooding. In order to remove this objection I will require a full flood risk assessment for the site and details of what mitigation measures will be introduced to reduce the risk of surface water flooding to the proposed development.

#### 1.33 Highway Network Manager

1.34 This application is a reserved matters application of 16/00319/OUT relating to approval of the layout, scale, appearance, landscaping and access for the development of 12 dwellings.

1.35 The site is accessed from the existing rear lane and parking has been provided in accordance with current standards. Cycle parking and refuse storage is also provided for each dwelling and the site has good links with public transport and local services. Various conditions were attached to the outline application including the need for any highway closures required to enable development and improvements to highways surrounding the site. For these reasons outlined above, conditional approval is recommended. Recommendation - Conditional Approval

1.36 Condition:  
SIT07 - Construction Method Statement (Major)

1.37 Informatives:

1.38 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](mailto:streetworks@northtyneside.gov.uk) (0191) 643 6131 to obtain a temporary footpath closure.

1.39 The applicant is advised that future residents may not be entitled to a parking permit under the councils residential permit scheme. For further

information contact the Parking Control Team:  
parkingcontrol@northtyneside.gov.uk (0191) 643 2121

#### 1.40 Biodiversity Officer

1.41 With regard to the above application, I have had a look at the proposed site plan drawing no: 16-1021-401 and am unsure what the green areas are around the periphery of the site. Are these trees or a hedge? There is no planting specification, so no information on what tree species are being provided as part of the landscaping.

#### 1.42 Landscape Architect

1.43 The site is currently an unoccupied plot of land and is situated on the corner of Park Avenue and Brook Gardens in Whitley Bay. It is situated within a predominantly residential area, it is surrounded on two sides by housing with open views North-East over Whitley Bay seafront. To the North and South the site links in with the wider Whitley Bay seafront regeneration zone. The proposal is for 12 no properties, with private gardens, parking and landscape.

1.44 There are no existing landscape features on the site, although it appears that a level of landscaping is proposed (drawing 16/1021 401 P1) although at this stage no detail has been provided. The proposal is acceptable in principle, subject to a condition being applied for a fully detailed landscape scheme.

#### 1.45 Design and Layout

1.46 The design is high quality contemporary design that is based on an assessment of the site and its context. Units are arranged in two separate blocks and generally follow the existing building lines and provide an active frontage to The Promenade and Park View. The appearance of the units has been designed from the concept of a traditional terrace interpreted in a contemporary manner.

1.47 Parking is well designed to the rear of the properties and ensures an attractive street scene is maintained. The existing pedestrian link through the site has been retained This allows for easy pedestrian flow through the site providing additional surveillance and activity, opening up views though the site and of the Spanish City Dome, linking the community to seafront.

1.48 Overall, this is a well designed scheme which is supported. Recommended conditions include:

- No development shall take place until a schedule of samples of all materials has been submitted to the LPA and approved.
- Construction details of windows and doors shall be submitted to the LPA and approved. Windows should be set back within the window reveal unless otherwise agreed by the LPA.
- No alarm boxes or other external features, including meter boxes, satellite dishes or ventilation extraction shall be installed unless approved by the LPA.

#### 1.49 External Consultees

##### 1.50 Northumbria Police Architectural Liaison Officer

1.51 I have looked at the documents from a crime prevention point of view and taken into consideration recent crime and incident history reported to police.

1.52 The general layout of this small scheme looks good although if I had been contacted before this application was submitted I would have advised against keeping the public footpath through the development and recommended that it be re aligned to the outside of the site. Having read through the Design & Access statement I can find no reference to security for the individual properties and, again if I had been contacted earlier, I would have advised that the applicants looked at the police approved security scheme Secured by Design (SBD) and adopt the recommendations in the SBD Homes 2016. It is worth pointing out that by fitting the min standards of SBD will go a long way to meeting their requirements for building control.

1.53 Full details of SBD can be found at [www.securedbydesign.com](http://www.securedbydesign.com) and following the links to SBD Homes 2016 or by contacting myself.

#### 1.54 Northumbrian Water

1.55 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the pre-development enquiry response issued by Northumbrian Water that has been submitted as a supporting document to the above application. In this document it states that foul flows from the proposed development would be permitted to discharge without restriction to the existing combined sewer at or between manholes 5504, 5503 and 5606. This response further states that a restricted surface water discharge of 10l/sec would be permitted to discharge to the combined sewer at manhole 5503.

1.56 We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

1.57 **CONDITION:** Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Pre-Development Enquiry – The Avenue, Whitley Bay" dated 27<sup>th</sup> February 2017. The drainage scheme shall ensure that foul flows discharge to the combined sewer at or between manholes 5504, 5503 and 5606, and ensure that surface water discharges to the combined sewer at manhole 5503. The surface water discharge rate shall not exceed the available capacity of 10l/sec that has been identified in this sewer.

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

1.58 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. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

### 1.59 The Coal Authority

1.60 The Coal Authority has no objection to the reserved matter details relating to the layout, scale, appearance, landscaping and access of the proposed development.

1.61 It is noted that the application is accompanied by a Phase 2 Ground Investigation & Assessment (November 2016, prepared by Capita), presumably to address the requirements of Condition 26 of planning permission 16/00319/OUT which states that:

*“Prior to the submission of the reserved matters a scheme of intrusive site investigations for the shallow coal workings shall be undertaken and the reserved matters shall include the submission of a report of findings arising from both of the intrusive site investigations, including the results of the gas monitoring undertaken, the submission of a scheme of remedial works/mitigation for the shallow coal workings/mine gas. The details shall include a timetable for the works to be undertaken. The development shall be undertaken in accordance with the agreed details.”*

1.63 The Phase 2 Report indicates that two rotary boreholes were drilled within the application site to depths of 30.00m bgl. Significant voiding, suspected as being former mine workings, was recorded in borehole BH101 at 10.50 to 12.00m bgl and 17.00 to 18.50m bgl; and in borehole BH102 at 10.50 to 11.80mbgl. In order to mitigate the risk posed by the identified voiding, the Phase 2 Report indicates that treatment of the workings is required.

1.64 The Coal Authority welcomes the recommendation for the undertaking of remedial stabilisation works. However, given the wording of the condition we would expect the submission of a proposed specification of these works, including details of the proposed grouting grid. We would also expect full consideration to be given to the need to stabilise external areas of the site e.g. access roads and parking areas, where necessary.

1.65 In the absence of details of the proposed scheme of remedial works/mitigation for the shallow coal workings, The Coal Authority does not consider that the applicant has provided the LPA with sufficient information to adequately address the requirements of Condition 26 of planning permission 16/00319/OUT.

1.66 The Report also indicates that on the basis of gas monitoring undertaken at the site, gas protection measures should be incorporated into the proposed buildings. The Coal Authority would expect full consideration of the need for the incorporation of gas protection measures to be given by the North Tyneside Council Environmental Health/ Public Protection Team and as part of any subsequent application for the development under the Building Regulations.

### 1.67 Natural England

1.68 Based on the information submitted, and the reserved matters included in the consultation Natural England has no comment to make.