

Item No: 5.3
Application No: 18/00426/FUL Author: Rebecca Andison
Date valid: 14 May 2018 ☎: 0191 643 6321
Target decision date: 13 August 2018 Ward: Riverside

Application type: full planning application

Location: The Bogie Chain, Western Road, Wallsend, Tyne And Wear, NE28 6TU

Proposal: Development of 10 new residential units, 4 bed dwellings in 2.5 storey townhouse blocks with ancillary parking, refuse and landscaped areas (AMENDED PLANS)

Applicant: Balliol Property Management And Development, Mr S Firth 950 Shields Road Newcastle Upon Tyne NE6 4QQ

Agent: Beautiful Pigeon Architecture, Mr Jason Gibbons Unit 24 Off Quay Building Foundry Lane NE6 1LH

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of residential development is acceptable on this site;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether an acceptable level of amenity is provided for future residents;
- the impact upon surrounding occupiers;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

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

2.0 Description of the Site

2.1 The application relates to The Bogie Chain, a vacant public house located on Western Road, Wallsend. The site contains the 2-storey public house, several outbuildings, a large yard/parking area and a paddock.

2.2 To the north of the site is a belt of trees which separates the site from the Metro line embankment and to the west is Millers Bank. There is open space to the east with residential properties beyond. The area to the south is more industrial in character. Bridon International, a rope manufacturer, lies directly opposite the site to the south.

2.3 The site has no allocation within the North Tyneside Local Plan.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to demolish the existing buildings and construct 10no 4-bedroom residential dwellings.

3.2 The development comprises 3no blocks of 2.5 storey townhouses with a central entrance road. Two blocks face south west towards Millers Bank, and the other is on a north-south axis and backs onto the open space to the east.

4.0 Relevant Planning History

19/00135/DEMGDO - Demolition of existing vacant public house, two storey traditional brick construction – Pending consideration

89/01894/FULUDC - Refurbishment and extension of public house with additional car parking, as amended by letter dated 4th.January 1990 - Permitted 15.01.1990

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 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 principle of residential development is acceptable on this site;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether an acceptable level of amenity is provided for future residents;
- the impact upon surrounding occupiers;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

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

8.0 Principle of the Proposed Development

8.1 The NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It states that achieving sustainable development means that the planning system has three overarching objectives, namely an economic objective, a social objective and an environmental objective.

8.2 In relation to housing, NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.3 The NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

8.4 Policy DM1.3 of the Local Plan states that 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.

8.5 Policy S1.4 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 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.

8.6 Policy S4.1 states that 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.

8.7 The Local Plan specifically allocates sites to meet the overall housing needs. Members are advised that the site, subject of this application, is not allocated for housing in the Local Plan.

8.8 Policy DM4.5 states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- a. Make a positive contribution to the identified housing needs of the Borough; and,
- b. Create a, or contribute to an existing, sustainable residential community; and
- c. Be accessible to a range of sustainable transport modes; and

- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and
- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and
- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and, g. Demonstrate that they accord with the policies within this Local Plan.

8.9 The development would contribute to meeting the housing needs of the borough and is therefore considered to accord with the aims of the NPPF to increase the delivery of new homes, and point (a) of Policy DM4.5. Issues relating to the impact of this scheme upon local amenities and existing land uses are discussed later in this report.

8.10 Having regard to the above; the principle of the proposed development is considered acceptable subject to consideration of the following matters:

9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 67 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 The most up to date assessment of housing land supply informed by the March 2018 5-year Housing Land Supply Summary identifies the total potential 5-year housing land supply in the borough at 5,276 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 5.4 year supply of housing land). 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 (2017).

9.3 The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 5.4 year supply of housing land. 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.

10.0 Impact on character and appearance

10.1 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

10.2 Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards

or style guides in plans or supplementary planning documents (para.130). In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

10.3 Policy DM6.1 of the 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.

10.4 The Council has produced an SPD on Design Quality, it states that the Council will encourage innovation in the design and layout, and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

10.5 The proposal is to demolish the existing buildings and construct 10no residential dwellings.

10.6 The development comprises three blocks of 2.5 storey townhouses. Two blocks run parallel to Millers Bank and the other is positioned between the internal access road and open space to the east. The blocks facing Millers Bank are terraced up the bank and are set back from the highway to provide a small courtyard garden in front of each property. The third block is also staggered in height to reflect the change in land levels across the site.

10.7 The properties feature dormer windows facing towards Millers Bank and the open space, with contemporary glazed features and balconies on the other elevations, facing into the development site. The development would be mainly brick built with timber and grey cladding featured on the dormer windows.

10.8 It is considered that the development is well designed and presents an attractive frontage onto Western Road and Millers Bank. To avoid car parking dominating the streetscene, parking spaces are mainly located at the rear of the houses with small gardens adjacent to the highway. Where parking is adjacent to the highway this would be screened by planting.

10.9 The site is currently derelict and detracts from the streetscene. It is considered that the proposal would enhance the appearance of the site and the character of the area in accordance with the NPPF, policy DM6.1 and the Design Quality SPD.

11.0 Amenity of future occupiers

11.1 NPPF paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise

from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

11.2 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

11.3 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.

11.4 Policy DM4.9 expects 50% of homes to meet building regulation M4(2) – ‘Category 2 – accessible and adaptable dwellings. In addition, all new homes are expected to meet the Government’s Nationally Described Space Standard (NDSS).

11.5 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

11.6 The application site is located immediately opposite Bridon International, a large rope manufacturer and in close proximity to the Metro line. A noise assessment has been submitted as part of the application.

11.7 The Manager of Environmental Health has been consulted and states that there is the potential for residents to be affected by noise from the factory. She states that historically there have been complaints regarding noise but notes that the factory does not always have weekend and night time working. The noise report does not consider impact noise from any delivery or collection activities, or make reference to what activities were occurring at the time of the assessment. However the applicant has since confirmed that the factory was operating at normal capacity during the period when the noise monitoring was being carried out. The conclusion from the noise monitoring is that there was no external noise arising from the Bridon factory that would impact on the proposed residential properties.

11.8 The Manager of Environmental Health recommends conditions requiring an acoustic glazing scheme to be provided with mechanical ventilation where necessary. She also recommends that 1.8m high acoustic fencing should be provided along the south western and eastern boundaries of the site to protect the gardens from traffic noise.

11.9 The applicant's noise report states that all garden noise levels are expected to remain below 55dB(A) over the 16 hour daytime period. However, on occasions during hourly periods throughout the day noise levels may exceed 55dB LAeq. Therefore to reduce potentially adverse impact on future residents, an acoustic barrier is recommended. The report shows worst case scenario noise levels of 58dB at the facade of the building facing Millers Bank and 55dB at the rear of the other block facing the open space.

11.10 The proposed fencing would be highly prominent, directly abutting Millers Bank and the adjacent open space. It is considered that the impact on the streetscene would not be acceptable. It is considered that the visual harm caused by the 1.8m high fencing would outweigh the benefits in this case. It is therefore recommended that this condition is not imposed.

11.11 In terms of the Council's Housing Standards the houses should be 103 sq m and they would measure approximately 110 sq m, which is in excess of the minimum standard. The amount of storage space provided and the bedroom sizes are also considered to be acceptable. The applicant has confirmed that development would be designed to meet building regulation M4(2) – 'Category 2 -accessible and adaptable dwellings'.

11.12 Only limited outdoor space is provided for each property in the form of a small courtyard garden. However the site is located within easy walking distance of public open space within Wallsend Burn, which forms part of the larger Wallsend Parks area. The lack of private amenity space is therefore considered to be acceptable.

11.13 Members need to consider whether the proposal would provide an acceptable residential living environment for future occupiers in accordance with the advice in NPPF and policies DM5.19 and DM4.9 and weight this in their decision. It is officer advice that subject to conditions it would.

12.0 Impact on surrounding occupiers (residential and commercial)

12.1 The NPPF states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

12.2 National Planning Practice Guidance states that the potential effect of new residential development located close to an existing business that gives rise to noise should be carefully considered. Existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable by the new residents.

12.3 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

12.4 The application site is located approximately 78m from existing residential properties to the south east (Marina View) and approximately 95m from those to

the north east (Headlam View). Therefore the proposal would not impact on the living conditions of any existing residents.

12.5 Bridon International is located immediately to the south of the site. The impact of potential noise complaints on the operation of this existing business is a material consideration.

12.6 As discussed above the Manager of Environmental Health is of the opinion that noise within the proposed dwellings could be sufficiently mitigated through the use of appropriate glazing and ventilation. There is still however the potential for complaints regarding garden noise without the provision of acoustic fencing.

12.7 Members must consider whether the potential impact on the adjacent factory is acceptable. Noise from the factory does not occur all the time, and garden noise levels are expected to remain below 55dB(A) for the majority of the time. Therefore, on balance, it is officer advice that the impact on surrounding land uses is acceptable.

13.0 Car Parking and Access

13.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

13.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

13.3 Paragraph 109 of NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe.

13.4 Local Plan 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.

13.5 The Council's adopted parking standards are set out in the Transport and Highways SPD.

13.6 The site would be accessed from Western Road and parking has been provided in accordance with the standards set out in the Transport and Highways SPD. A communal refuse store is proposed in the south east corner of the site. The Highway Network Manager has been consulted and recommends conditional approval.

13.7 The Public Rights of Way Officer has commented and states that the development does not include any links to the main shopping areas or public transport links. These comments are noted. However the site is located within 260m of bus stops on Western Road, which provides services to Wallsend town centre, and approximately 450m from a wide range of bus services on Tynemouth Road.

13.8 Members need to consider whether the proposal would provide sufficient parking and access and weight this in their decision. It is officer advice that subject to conditions it would, in accordance with the advice in NPPF, Policy DM7.4 and LDD12.

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

14.2 Para.175 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

14.3 Par.77 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

14.4 Policy DM5.5 of the Local Plan 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.

14.5 Policy DM5.9 (Trees, Woodland and Hedgerows) supports the protection and management of existing woodland, trees, hedgerows and landscape features. It seeks to secure new tree planting and landscaping schemes for new development and, where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

14.6 Policy DM5.7 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.

14.7 The site is located within a wildlife corridor, approximately 100m to the north of Willington Gut, with a woodland plantation to the north and semi-improved grassland and scrub to the south east. It consists of hardstanding, buildings and a paddock.

14.8 Development is proposed on the area occupied by the buildings and hard standing. The adjacent paddock would be retained. The applicant has submitted an Ecological Assessment and Shadow Habitats Regulation Assessment (sHRA).

14.9 The buildings have been assessed as low-moderate value for bats. The survey showed that no bats were using the buildings and very low numbers of bats were commuting across the site. An indicative landscape plan has been submitted which indicates new woodland and scrub planting along the northern and western boundary of the site to enhance the site for biodiversity and contribute to the functioning of the wildlife corridor.

14.10 The Shadow Habitat Regulations Assessment (sHRA) concludes that the development alone is unlikely to impact on coastal sites; however, cumulative effects of recreational disturbance from additional visitors could have an impact. It recommends mitigation in the form of a financial contribution to the Local Authority towards a coastal warden.

14.11 The Biodiversity Officer has provided comments. She raises no objections to the proposal subject to conditions and a financial contribution of £4,000 towards a coastal mitigation scheme. The applicant has agreed to this contribution.

14.12 The Landscape Architect has also commented. She raises no objections subject to conditions.

14.13 Natural England has been consulted and raises no objections subject to the mitigation measures set out in the Ecological Assessment and sHRA being secured.

14.14 Members must consider whether the development is acceptable in terms of the impact on trees within the site, protected habitats and species. It is officer opinion that the impact is acceptable subject to the imposition of the conditions requested by the Landscape Architect and Biodiversity Officer and a financial contribution towards a coastal mitigation scheme.

15.0 Other Matters

15.1 Flooding

15.2 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

15.3 Policy DM5.12 of the Local Plan states that 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.

15.4 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.

15.5 Policy DM5.14 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. 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 Policy DM5.15 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).

15.7 The Council as Local Lead Flood Authority has been consulted raises no objections to the application. Conditions are recommended requiring a surface water management scheme and a methodology for pollution control during the construction period.

15.8 Northumbrian Water have commented and state that a condition should be imposed to control the disposal of foul and surface water.

15.9 It is officer advice that that subject to the above conditions the proposed development would not have an adverse impact on flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14 of the Local Plan.

16.0 Contamination and Land Stability

16.1 NPPF states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

16.2 Policy DM5.18 of the Local Plan states that 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 shows that investigations have been carried out and that detailed measures to allow the development to go ahead safely without adverse effect.

16.3 The applicant has submitted a Phase 1 Geo-environmental Desk Study. This states that made ground associated with previous developments on the site is anticipated, and that there is also a potential for deep made ground associated with possible infilled basements and levelling. A detailed programme of extensive Phase 2 Ground Investigation works is recommend to fully characterise the ground/groundwater conditions and ground gas regime below the development.

16.4 The Council's Contaminated Land Officer has been consulted and does not object subject to conditions.

16.5 It is officer opinion that subject to conditions that the development can go ahead safely without adverse effect in accordance with the advice in NPPF and policy DM5.19 of the Local Plan.

17.0 S106 Contributions

17.1 NPPF states local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

17.2 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 planning permission for the development if the obligation is;

- necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably relates in scale and kind to the development.

17.3 The Council's adopted SPD on Planning Obligations LDD8 states that a Section 106 Agreement, is a formal commitment undertaken by a developer to mitigate site specific impacts caused by new development. They must be necessary and used directly to make a development acceptable.

17.4 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 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.

17.5 The Council are seeking the following S106 contributions:

£2,290 towards park infrastructure;

£3,053 towards green space;

£3,600 towards play sites;

1 apprentice or a contribution of £7,000 towards training and employment; and

£4,000 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

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

17.7 The applicant has confirmed that they are agreeable to the financial contributions requested.

17.8 A CIL payment will not be required in respect of this development as the site is located within a nil rate charging zone.

18.0 Local Financial Considerations

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

18.2 The proposal involves the creation of 10no new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax.

18.3 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

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

19.0 Conclusion

19.1 This is a housing application and therefore should be considered in the presumption in favour of sustainable development. It follows therefore that providing the site is sustainable and it is officer advice that it is, that unless the impact of the development significantly and demonstrably outweigh the benefits that planning permission should be granted.

19.2 Members need to consider whether the proposal will impact on existing land uses, whether the occupants of the proposed dwellings will have a suitable level of residential amenity, whether the development would have an acceptable impact on the character of the area, ecology and the highway network.

19.3 The proposed development would bring significant benefits to the streetscene and the character of the area, would secure the future use of a vacant site and provide additional homes.

19.4 It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity, existing businesses, the streetscene, ecology and the highway network.

19.5 The development is considered to comply with relevant National and Local Plan policy and is therefore recommended for conditional approval subject to a S106 agreement to secure a financial contributions set out above.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate that they are minded to grant this application subject to the conditions set out (or any subsequent amendments, omissions or additional conditions) and to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application subject to a S106 Agreement to secure the following contributions:

- A sum of £2,290 towards park infrastructure;**
- £3,053 towards green space;**
- £3,600 towards play sites;**
- 1 apprentice or a contribution of £7,000 towards training and employment;**
- and**
- £4,000 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.**

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

Construction of new access

Removal of unused accesses

Upgrade of existing footpaths abutting the site

7. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4m along the centre line of the access measured from the edge of the carriageway and a point 33m along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept permanently free of any obstruction exceeding 0.6m in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

8. No part of the development shall be occupied until an area has been laid out within the site for 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).

9. Prior to occupation of the development details of traffic calming measures to 20mph must 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).

10. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas 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).

11. Prior to occupation of the development details of facilities to be provided for the storage of refuse at the premises must 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 any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017).

12. 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. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until the agreed wheel washing/road cleaning measures are fully operational. 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 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.

13. Prior to occupation of the development a refuse collection management scheme must be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In order to safeguard the amenities of the area having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017).

14. Prior to occupation of the development a parking management scheme must be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In order to safeguard the amenities of the area having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017).

15. Prior to occupation of the development a scheme for road markings at the site entrance at its junction with Miller Bank and Western Road must be submitted to and approved by in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In order to safeguard the amenities of the area having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017).

16. No development shall commence until details of a foul and surface water management scheme, including future maintenance details, has been submitted to and approved by in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the proposed scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: This information is required from the outset to provide a satisfactory means of drainage and prevent the increased risk of flooding from

any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

17. Prior to development commencing a Construction Method Statement to include appropriate pollution prevention and control measures must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

18. Contaminated Land Investigation Housing CON00 *
1

19. Gas Investigate no Development GAS00 *
6

20. Notwithstanding condition 1, prior to the construction of the development above damp proof course level, a schedule and/or samples of the materials and finishes for the development and surfaces must 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 secure a satisfactory external appearance having regard to policy DM6.2 of the North Tyneside Council Local Plan 2017.

21. The location of all external meter boxes must be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.2 of the North Tyneside Council Local Plan 2017.

22. All demolition and construction works associated with buildings on site shall be undertaken in accordance with the Method Statement for Contractors in Appendix 1 of the Ecological Assessment July 2018.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

23. 6no. bat bricks and 4no. swift bricks shall be incorporated into the new buildings. Details of the specification, location and timings of the installation of these features must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of construction works commencing on site. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

24. No vegetation removal shall take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing. When undertaking works to the building, any nesting birds will be allowed access to the nest until the young have fledged.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

25. Prior to the installation of any external lighting a Lighting Strategy must be submitted to and approved in writing by the Local Planning Authority. Lighting must be designed to minimise light spill to adjacent habitat areas and must be in accordance with the BCT/Institute of Lighting Engineers Guidance 'Bats and Lighting'. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

26. Prior to commencement of development all retained trees and shrubs within and adjacent to the site shall be protected by fencing in accordance with BS5837:2012. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete and shall not be repositioned unless otherwise agreed in writing with the Local Planning Authority.

Reason: This is required prior to development commencing to ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

27. The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme, to include mixed native tree and shrub planting, which shall be submitted to and approved in writing by the Local Planning Authority within 1 month of development commencing. The landscape scheme shall include details of the proposed timing of all new tree and shrub planting and ground preparation, noting the species and sizes for all new planting. A schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation shall also be included. The landscaping scheme shall be implemented within the first available planting season following completion of the scheme by an approved contractor, in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard (4428: 1989). Any trees or shrubs that fail or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.9, DM5.19 and DM5.5 of the North Tyneside Local Plan (2017).

28. All internal and external fencing associated with the scheme shall include wildlife gaps measuring 13cm x 13cm to allow free access to small mammals throughout the site. Details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the

Local Authority prior to occupation of the development. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, and to ensure a satisfactory environment within the development having regard to the NPPF and Policies DM5.5 and DM6.2 of the North Tyneside Local Plan.

29. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the construction of the development. Any trees, shrubs or hedgerows that are removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

30. All works shall be carried out in accordance with the guidelines contained within BS5837:2012 and NJUG Volume 4.

Reason: To ensure that trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

31. Levels Details Exist Prop Before Devel LEV001 *

32. Notwithstanding the details submitted, 50% of the dwellings shall meet building regulation M4(2) - 'Category 2 -accessible and adaptable dwellings'.

Reason: To ensure compliance with Policy DM4.9 of the North Tyneside Local Plan (2017).

33. Prior to occupation of the development, a noise scheme for the acoustic glazing scheme in accordance with noise report no. BPMD/BC/001 must be submitted to and approved in writing by the Local Planning Authority. The acoustic glazing scheme must be in accordance with BS8233 and the World Health Organisation community noise guidelines and must show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms, and 35 dB LAeq for living rooms. Thereafter the scheme shall be implemented in accordance with the agreed details.

Reason: To safeguard the amenity of future residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

34. Prior to occupation of the development details of a ventilation scheme for all habitable rooms, to ensure an appropriate standard of ventilation with windows closed, must be submitted to and approved in writing by the Local Planning Authority. Where the internal noise levels specified in BS8233 are not achievable

with windows open, due to the external noise environment, an alternative mechanical ventilation system, such as mechanical heat recovery (MVHR), must be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Thereafter the scheme shall be implemented in accordance with the agreed details.

Reason: To safeguard the amenity of future residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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 Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

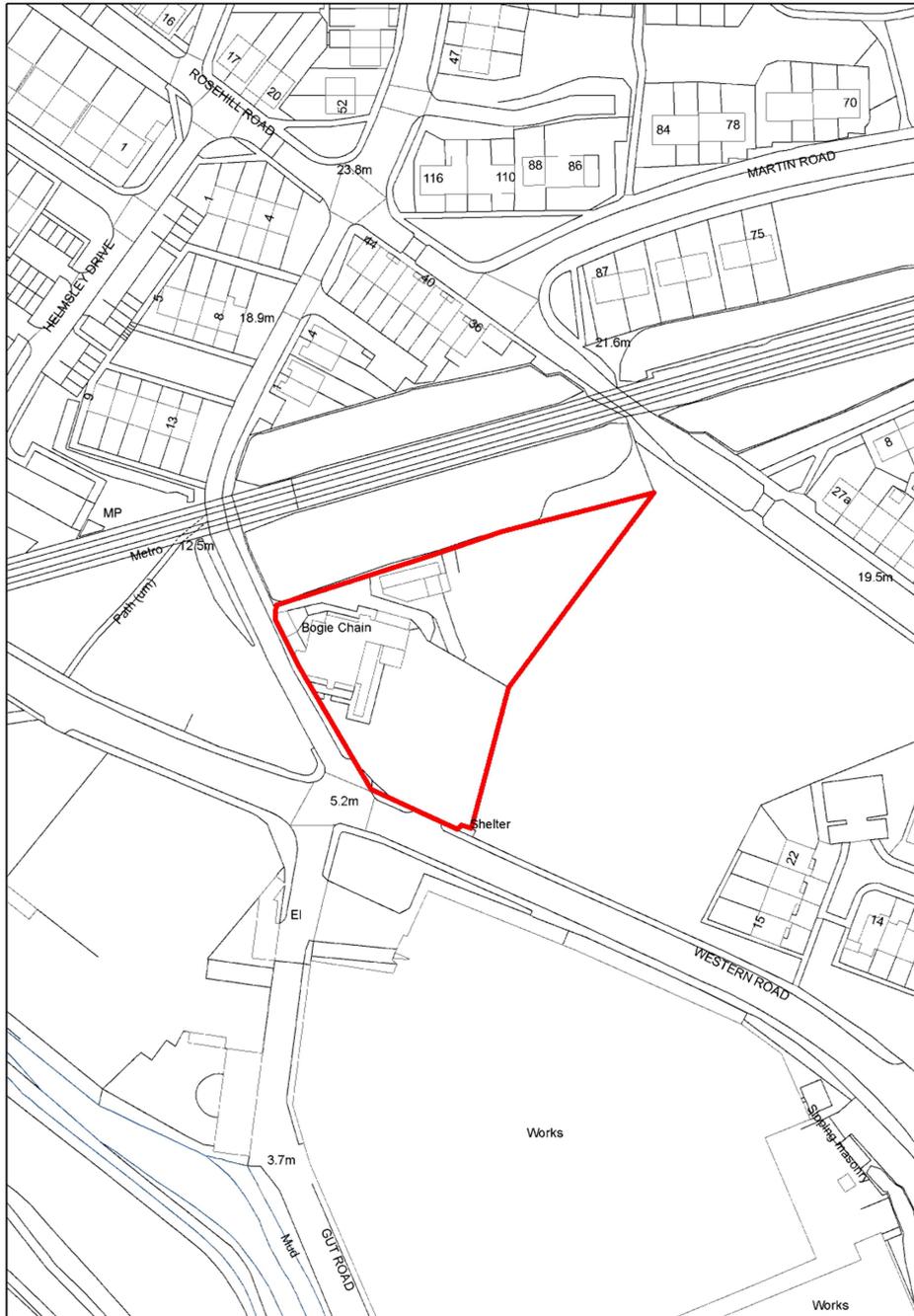
Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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

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

The applicant is advised that they should enter into an agreement indemnifying the council's refuse, recycling and garden waste collection vehicles against any claims for damages to the internal road and parking layout.

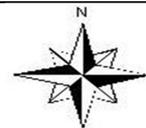


Application reference: 18/00426/FUL
Location: The Bogie Chain, Western Road, Wallsend, Tyne And Wear
Proposal: Development of 10 new residential units, 4 bed dwellings in 2.5 storey townhouse blocks with ancillary parking, refuse and landscaped areas (AMENDED PLANS)

Not to scale

Date: 07.03.2019

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**Appendix 1 – 18/00426/FUL
Item 3**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the development of 10 new residential units - 4 bed dwellings in 2.5 storey townhouse blocks with ancillary parking, refuse and landscaped areas.

1.3 The site is accessed via Western Road and parking has been provided in accordance with current standards, however the site will not be eligible for adoption by the Local Highway Authority and will remain private. Parking has been provided to meet the needs of the development.

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

1.5 Recommendation - Conditional Approval

1.6 The applicant will be required to enter into an appropriate S278 agreement with the Local Authority for the following works:

Construction of new access

Removal of unused accesses

Upgrade of existing footpaths abutting the site

Associated highway drainage

Associated street lighting

Associated road markings

Associated signage

1.7 Conditions:

ACC11 - New Access: Access prior to Occ

ACC15 - Altered Access Access Alt Prior to Occ

ACC17 - Exist Access Closure: Misc Points, By *6 months

ACC20 - Visibility Splay: Detail, Before Devel (*2.4m by 33m by 0.6m)

ACC25 - Turning Areas: Before Occ

ACC27 - Traffic calming measures to 20mph

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 to manage refuse collection, 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 and before the development is occupied.

Reason: In the interests of highway safety.

No development shall commence until a scheme to manage 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 and before the development is occupied.

Reason: In the interests of highway safety.

No development shall commence until a scheme for road markings at the site entrance at its junction with Miller Bank & Western Road 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 and before the development is occupied.

Reason: In the interests of highway safety.

1.8 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

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

The applicant is advised that they should enter into an agreement indemnifying the council's refuse, recycling & garden waste collection vehicles against any claims for damages to the internal road and parking layout.

2.0 Local Lead Flood Officer

2.1 This application is for the development of 10 new residential units consisting of 4-bed dwellings in 2.5 storey townhouse blocks with ancillary parking, refuse and landscaped areas. Indicative drainage proposals have been provided, however a full drainage strategy will be required prior to works commencing on site. Conditional Approval is recommended.

2.2 Recommendation - Conditional Approval

2.3 Conditions:

No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing by 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

No development shall commence until a scheme & methodology for pollution control during the construction period 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 and retained for the entire duration of the construction period.

Reason: In the interests of surface water management

3.0 Public Rights of Way Officer

3.1 The development has no links to the north east for new residents to access main shopping area or for existing users to utilise a more structured route down to the bus stops (the desire lines demonstrate demand), employment sites or the improved links to Hadrian Cycle Route, Hadrian Road and Metro.

3.2 The motor vehicle access is being moved to the bend. The other should be built up to create a continuous footway (with priority) over the new and current access points. A parallel crossing would aid access to the points set out above.

4.0 Manager of Environmental Health (Land Contamination)

4.1 The proposed development is a sensitive end-use. As the site is located within 250 metres of multiple old coal shafts the following conditions are recommended for attachment to an approval:

CON 01

GAS 06

5.0 Regeneration and Business and Enterprise Team

5.1 The Regeneration and Business and Enterprise Team have concerns over this application. Whilst the redevelopment of the vacant former pub site is welcomed, there is a concern that the proposal has not taken into full consideration the adjacent large industrial site of Bridon International, which is a global leader in the manufacturer of wire and fibre rope, which is approximately 40m to the south of the housing site.

5.2 The noise survey submitted with the application refers to "distant" industrial, where it could be argued it is in fact very close and could not only impact upon the residents of the new dwellings through noise disturbance but also potentially impact upon the operations of this large employment site due to complaints by residents to the detriment of the business.

5.3 It is recognised that new housing has been allowed and built to the south east of this site, which is also in close proximity to the Bridon site. However this development has retained/added further soft landscaping screens/barriers between the two sites which undoubtedly mitigates some of the potential noise and other associated industrial issues between the two locations.

5.4 Although in principle there is full support for new housing in the borough, particularly those on brownfield sites, there are concerns that in some instances these housing developments can have a detrimental impact upon important industrial/employment sites within North Tyneside, which we would want to try and avoid where possible.

6.0 Design Comments

6.1 The layout is well designed with an active frontage onto Western Road. The houses are contemporary design and feature grey framed windows, Juliet balconies and feature steel entrance canopies with timber panels. A specific unit

is included in the layout for corner plots and end units which has large feature windows in the side elevation.

6.2 Within the site, car parking dominating the street scene was raised as a design quality concern. To soften the impact of the car parking, landscaping has been added to the layout. A mixture of surface materials are also included to differentiate between public and private spaces.

6.3 The entrance includes an area for parking and communal waste bins. Landscaping is included around this area to ensure there is an attractive street scene and entrance into the site.

6.4 To support an attractive street scene, utility meters should be ground mounted or located on a side or rear elevation, this can be conditioned.

6.5 Overall, the application is supported subject to the following conditions:
- No development shall take place until a schedule of samples of all materials (including surface materials) has been submitted to the LPA and approved.
- No meter boxes shall be installed unless approved by the LPA.

7.0 Biodiversity Officer

7.1 The above site is located within a designated wildlife corridor, approximately 100m away from Willington Gut to the south and with woodland plantation north of the site and semi-improved grassland and scrub to the south. The site itself consists of hardstanding, buildings and an overgrazed paddock to the east.

7.2 Information submitted as part of the application includes an ecological assessment and shadow HRA (Habitats Regulations Assessment) as the scheme is for housing within 6km of the coast and has the potential to impact the Northumbria Coast SPA through recreational pressure.

7.3 Ecological Assessment-

The report has assessed the suitability of existing buildings on site (which will be demolished) for bat use and concluded that "given the complicated roof structure and numerous dormers, hanging tiles and cladding, it is possible that crevice/day roosts of common species may be present". However, the nature of the building does not suggest that hibernation roosts are likely to be present. The buildings were assessed as low-moderate value for bats and therefore a single bat activity survey was undertaken in accordance with BCT guidelines in July 2018. The results of this survey showed that no bats were using the buildings and very low numbers of bats were commuting across the site.

7.4 sHRA -

Information has been submitted to support a Habitats Regulations Assessment (HRA). This concludes that it is unlikely that a development of 10 dwellings alone will impact on coastal sites, however, cumulative effects of recreational disturbance could have an impact. As a result the applicant has agreed to contribute a sum to be agreed with the Local Authority towards a strategic coastal mitigation service which will mitigate the impacts of the scheme. The details of this financial contribution will need to be agreed prior to the determination of the application and implemented via an appropriate legal agreement.

7.5 Landscaping -

An indicative landscape plan has been submitted for this application which indicates new woodland and scrub planting along the northern and eastern boundary of the site to enhance the site for biodiversity and contribute to the functioning of the wildlife corridor. An appropriate detailed landscape condition will need to be attached to the application to ensure the details of this scheme are approved by the LPA. In addition, the plan indicates the provision of bat roosting features to be incorporated into the new build.

7.6 I have no objections to the above application subject to the following conditions being attached to the application:-

- A financial contribution towards a Coastal Mitigation Service will be agreed with the LPA and secured by way of a S106 legal agreement to be paid prior to development commencing.
- All demolition and construction works associated with buildings on site will be undertaken in accordance with the Method Statement for Contractors in Appendix 1 of the Ecological Assessment July 2018.
- 6no. bat bricks and 4no. swift bricks will be incorporated into the new buildings. Details of the specification, locations and timings of installation of the bat and bird features will be submitted to the Local Authority for approval within 4 weeks of construction works commencing on site.
- No vegetation removal or works to features (buildings) that could support nesting birds will take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing
- A Lighting Strategy will be submitted to the Local Planning Authority for approval within 4 weeks of works commencing on site. Lighting will be designed to minimise light spill to adjacent habitat areas and will be in accordance with the BCT/Institute of Lighting Engineers Guidance 'Bats and Lighting'.
- A Construction Method Statement including appropriate pollution prevention and control measures will be submitted to the Local Planning Authority for approval prior to development commencing on site.
- All trees, shrubs and hedgerows within and adjacent to the site will be appropriately protected during construction works in accordance with BS5837:2012 and an approved Arboricultural Method Statement.
- Within one month from the start on site of any operations such as site excavation works, site clearance for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. Landscaping should include mixed native tree and shrub planting. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new planting. The landscaping scheme shall be implemented in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard (4428: 1989). The scheme is to be implemented within the first available planting season following completion of the scheme by an approved contractor. Any trees or shrubs that fail or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

- No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.
- All internal and external fencing associated with the scheme will include wildlife gaps measuring 13cm x 13cm to allow free access to small mammals throughout the site. Details of fencing to be submitted to the Local Authority for approval within 4 weeks of works commencing on site.

8.0 Landscape Architect

8.1 The application site area is situated (630m) inland from Willington Gut on sloping land adjacent to Wallsend Burn, which forms part of the larger Wallsend Parks area. The site area is approx. 0.39 hectares in size and is split into two distinct areas, which include the former Bogie Chain public house and car park (to the south) and also the stables and paddock (to the north). The site topography consists of sloping land, formed by the river valley, which falls to the south and is attenuated by the levelling out of the landform at the junction of Millers Bank, Ropery Lane and Western Way.

8.2 The former Bogie Chain PH has been vacant for several years, it includes several outbuildings, terraces and a railway carriage; the lower site also forms part of a large area of car parking hard stand, which is currently in use as site storage.

8.3 A number of scattered residential housing blocks lie to the north and east, and the Bridon Ropes factory is located along the south side of Ropery Lane on land adjacent to Wallsend Burn. There are no public rights of way or recorded desire lines across the site however, it does form part of a local wildlife corridor.

8.4 Most of the site area apart from its historical development is currently grassed with a rising railway embankment area containing mixed species trees and shrubs bordering the site to the north, which effectively buffers the site from the adjacent Metro railway located at the top. The trees form a significant local grouping, along with solitary small trees and shrubs scattered occasionally through the site and contribute to the landscape amenity value of the existing area, being visible from many viewpoints and streets in and around the immediate and wider vicinity.

8.5 A revised layout has been submitted. The reduced scheme now looks all to be on the footprint of the existing building and associated hardstanding. A new retaining wall is to be constructed around the car parking area but I doubt if there would be any significant impact as it looks as if levels are not being altered too much along this section. An indicative landscape plan has been submitted for this application which indicates new woodland and scrub planting along the northern and eastern boundary of the site to enhance the site for biodiversity and contribute to the functioning of the wildlife corridor.

8.6 I have no objections to the above application subject to the following conditions being attached to the application: -

1) No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation

2) All works to be carried out in accordance with the guidelines contained within BS5837:2012 and NJUG Volume 4.

3) Within one month from the start on site of any operations such as site excavation works, site clearance for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. Landscaping should include mixed native tree and shrub planting. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new planting.

4) All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428 : 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

5) No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

9.0 Manager of Environmental Health (Pollution)

9.1 The site is located in close proximity to the metro rail line and is adjacent to Bridon Ropery. Historically complaints have been received regarding tonal vibration noises from Bridon Ropery. The factory has historically had 24 hour operations, but operations are based on demand and they therefore do not always have weekend and night time working. There may therefore be associated noise arising from the factory that may impact on the proposed residential properties.

9.2 I have viewed the noise report. This has considered one noise monitoring location to assess noise from the nearby metro and adjacent industrial unit. The noise monitoring was carried out from 13:00 hours on a Friday to 13:00 hours on a Monday. Daytime noise levels were assessed as 53 LAeq and night time as 47 dB LAeq in a representative location for the properties. The report does not consider any impact noise from any delivery or collection activities that may arise

from the industrial site, or makes any reference to what activities, if any, were occurring to ensure the noise assessment is reflective of the existing noise climate. However, the additional information submitted for the application advises that Bridon ropes site was operating at normal capacity during the period when the noise monitoring was being carried out. Although the noise from the industrial site has not been assessed in accordance to BS4124, the conclusion from the noise monitoring is that there was no external noise arising from Bridon Ropes during the noise monitoring that would impact on the proposed residential properties.

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

Prior to occupation, submit and implement on approval of the local Planning Authority a noise scheme for the acoustic glazing scheme in accordance to noise report no. BPMD/BC/001. Details of the acoustic glazing to be provided must be in accordance with BS8233 and the World Health Organisation community noise guidelines must be provided to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved.

Prior to occupation, submit details of the ventilation scheme for all habitable rooms, for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation must be provided, such as mechanical heat recovery (MVHR) system should be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

Prior to occupation, details of the 1.8 m high acoustic fencing must be submitted to the Local Planning Authority for approval in writing and installed in accordance to figure 4 of noise report BPMD/BE/001 to screen road traffic noise on Western Road.

HOU04
SIT03

10.0 Representations

10.1 1no objection has been received.

10.2 The concerns raised are summarised below.

- Adverse effect on wildlife.
- Affect character of conservation area.
- Impact on landscape.
- Loss of visual amenity.
- Loss of/damage to trees.
- None compliance with approved policy.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Precedent will be set.

- The footpaths and greenery in the area is poorly maintained.
- Speeding vehicles along Western Road and Ropery Lane.
- Mature trees should be protected.
- The homes will not be accessed by the local community due to cost.

11.0 1no representation has been received.

11.1 A resident of Bamburgh Drive asks whether residents have been consulted.

12.0 External Consultees

12.1 Natural England

12.2 No objections subject to appropriate mitigation being secured.

12.3 We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Northumbria Coast Ramsar and Special Area of Conservation

12.4 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are proposed and should be secured:

- The mitigation measures set out in Section 8 (page 31) of the Environmental Ecological Assessment: Including shadow Habitats Regulations Assessment. Author: Budhaig Environmental. Date May 2018.

12.5 We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

13.0 Northumbrian Water

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

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

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

14.0 Northumbria Police

No objections or comments to make.