

Item No: 5.7
Application No: 18/00054/FUL
Author: James Blythe
Date valid: 12 January 2018
Target decision date: 13 April 2018
☎: 0191 643 7756
Ward: Battle Hill

Application type: full planning application

Location: Site Of Former Bonchester Court, Broxburn Close, Wallsend, Tyne and Wear

Proposal: Development of 13no properties. Comprising 5no 2 bed bungalows and 8no 1 bed flats

Applicant: North Tyneside Council, Mr Trevor Pringle The Quadrant Silverlink North Cobalt Business Park NE27 0BY

Agent: Kier North Tyneside, Mr Guy Holmes Harvey Combe Killingworth Newcastle Upon Tyne NE12 6UB

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- (i) The Principle of development;
- (ii) North Tyneside 5-year housing land supply;
- (iii) The impact upon surrounding occupiers;
- (iv) The impact of the proposal upon the character and appearance of the surrounding area; and
- (v) Impact upon the public highway.

2.0 Description of the Site

2.1 The application site relates to land at the former Bonchester Court, located on the southern side of Battle Hill Drive on the junction with Barr Close within a well-established residential area of Wallsend. The nearest residential properties are those located to the east of the application site on Broxburn Close, consisting of two storey terrace properties, which back onto the application site. To the west of the application site is Barr Close across which lie further terrace properties. To the north of the site lies Battle Hill Drive across which lie properties on Bodmin Close.

2.2 In the wider context of the application site is Tyne Metropolitan College and the Coastway Retail Centre to the south.

2.3 The site is designated as a Housing Site (No. 80) within the North Tyneside Local Plan (2017).

3.0 Description of the Proposed Development

3.1 Development of 13no properties. Comprising 5no 2 bed bungalows and 8no 1 bed flats.

4.0 Relevant Planning History

4.1 The following applications are considered relevant planning history in relation to the proposed application site:

- 07/03087/OUT - The demolition of the existing sheltered scheme and building of 16 two bedroom flats - Permitted 20.12.2007; and
- 16/00137/DEMGDO - Two storey former sheltered accommodation, council owned – Permitted 04.03.2016.

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); and

6.3 Draft revised National Planning Policy Framework (March 2018).

6.4 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 are:

- (i) The Principle of development;
- (ii) North Tyneside 5-year housing land supply;
- (iii) The impact upon surrounding/future occupiers;
- (iv) The impact of the proposal upon the character and appearance of the surrounding area; and
- (v) Impact upon the public highway

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

7.3 The Principle of Development

7.4 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 identifies 12 core planning principles for Local Authorities that should underpin decision making. One of these is to encourage the effective use of land by reusing land that has been previously developed (brownfield land). However, this is not a prerequisite.

7.5 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

7.6 Policy S1.1 Spatial Strategy for Sustainable Development of the North Tyneside Local Plan adopted July 2017 states that most housing development will be located in a dispersed pattern in the main urban area.

7.7 Policy DM1.3 Presumption in Favour of Sustainable Development 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.

7.8 Policy S1.4 General Development Principles 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.

7.9 Policy S4.1 Strategic Housing 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.

7.10 The proposed development is located in the urban area, predominately residential in use. The site is designated as a Housing Site (No. 80) within the North Tyneside Local Plan (2017) and will bring a vacant brown field site back into use.

7.11 Members must determine whether the proposed development (as shown on the submitted plans) is acceptable in terms of the use of the land as a residential development. Officer advice is that the proposed development is acceptable.

8.0 North Tyneside 5-year housing land supply

8.1 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.

8.2 The North Tyneside Local Plan was adopted in July 2017 and sets out the borough's housing requirement to 2032. Policies S4.2(a) and S4.2(b) of the Local Plan (2017) relate to housing need and housing land supply.

8.3 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). The potential housing land supply from this proposal is included in the assessment that North Tyneside has a 5.4 year supply of housing land and it is officer opinion that the proposed 13 dwellings will make a small, but valuable contribution towards the five year housing land supply.

9.0 The Impact upon surrounding/future occupiers

9.1 The NPPF states that there are three dimensions to sustainable development; economic, social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.

9.2 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.

9.3 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.

9.4 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.'

9.5 Planning policies and 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; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

9.6 The objective of paragraph 123 of the NPPF is to avoid noise from giving rise to significant adverse impacts on health and quality of life and that existing businesses should not have unreasonable restrictions put on them.

9.7 Policy S1.4 'General Development Principles' 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.

9.8 Policy DM6.1 'Design of Development' states that proposals are expected to demonstrate a good standard of amenity for existing and future residents and users of buildings and spaces.

9.9 Policy DM5.19 'Pollution' 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.

9.10 Policy DM7.9 'New Development and Waste' states that all developments are expected to:

- a. Provide sustainable waste management during construction and use.
- b. Ensure a suitable location for the storage and collection of waste.
- c. Consider the use of innovative communal waste facilities where practicable.

9.11 The amenity of both the existing neighbouring occupiers and the future residents of the proposed dwellings are an important material planning consideration. The Council's Manager of Environmental Health has been consulted on the application. Their response raises no objections to the application however, it is noted that the response states that 'the layout plan does not clearly identify if gardens are to be provided or only communal outdoor areas. Any outdoor amenity space with line of sight of Battle Hill Drive and the college may require acoustic screening to ensure that noise levels in outdoor space achieve the guidance levels of the World Health Organisation community noise guidance for outdoor amenity to below 55 dB LAeq, as this is the level for the onset of serious annoyance.'

9.12 The comments from the Council's Manager of Environmental Health are noted and it is considered that should noise levels require acoustic screening this would most likely be in the form of acoustic fencing of approximately 2.0 metres in height however, it is officer opinion that the referred to properties would be dual aspect and look across Battle Hill Drive, it is considered that on balance the fencing as currently proposed (0.45 metres in height) would be more appropriate, as it would allow the proposed development to better fit into the surrounding residential area. An acoustic fence of 2m in height adjacent to Battle Hill Drive would have an adverse impact upon the character and appearance of the street scene and Planning Officers consider that the 0.45m fencing would be more appropriate and in keeping.

9.13 Members must determine whether the proposed development (as shown on the submitted plans) is acceptable in terms of its impact on the living conditions of the occupiers of nearby neighbouring dwellings, with particular reference to properties on Broxburn Close, Barr Close and Bodmin Close. Officer advice is that the proposed development is acceptable subject to the imposition of the conditions.

10.0 Impact on the Character and Appearance

10.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for

development of poor design. NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development. It also confirms that authorities should set out their own approach to housing density to reflect local circumstances.

10.2 Policy DM6.1 'Design of Development' 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. 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.

10.3 LDD11 'Design Quality' applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

10.4 The applicant has submitted a Design and Access Statement which explains the principles behind the design of the scheme. This explains how the proposed building line creates a strong terrace form which is in keeping with the surrounding context.

10.5 It is officer opinion that the proposed development will restore and improve the currently vacant brownfield site and the visual amenity of the streetscene. This accords with the objectives of the NPPF, and advice provided in LDD11 in relation to the sympathetic and appropriate design.

10.6 Members must determine whether the proposed development (as shown on the submitted plans) is acceptable in terms of its impact on the character and appearance of application site and surrounding area. Officer advice is that the proposed development is acceptable.

11.0 Impact upon Public Highway

11.1 NPPF states that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives. The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

11.2 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.

11.3 The Council's adopted parking standards are set out in LDD12 'Transport and Highways'.

11.4 The Council's Highway Networks Manger has been consulted and recommended conditional approval of the application, noting that 'the site is accessed via Barr Close and parking for new residents has been provided within the site. Parking bays associated with the previous use on Barr Close & Broxburn Close have either been retained or relocated for use by visitors to the site or by existing residents who currently use these bays. Refuse will be stored in each plot and collected from a single point on collection day. Conditional approval is recommended.'

11.5 Members need to consider whether the proposal would accord with the advice in NPPF, Policy DM7.4 and LDD12 and weight this in their decision. Officer advice is that the proposed development is acceptable subject to conditions.

12.0 Other Issues

12.1 The Council's Highway Networks Manger's comments are noted and it is acknowledged that the applicant will be required to enter into an appropriate Legal Agreement under the Highways Act 1980, for the following works:

- New access;
- Upgrade of footpaths surrounding site;
- Provision of new parking bays on Barr Close;
- Surfacing of existing parking bays on Bridlington Close;
- Associated street lighting;
- Associated drainage;
- Associated road markings;
- Associated Traffic Regulation Orders; and
- Associated street furniture & signage.

12.2 Whilst acknowledged, it is considered that this would be outside the control of the Local planning Authority and is not a material planning consideration in this instance. It is not the role of the planning system to seek to duplicate or enforce other areas of legislation.

13.0 Flooding

13.1 The National Planning Policy Framework states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test.

13.2 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.

13.3 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.

13.4 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.

13.5 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).

13.6 Northumbrian Water and The Council as Local Lead Flood Authority have been consulted and raises no objections subject to a condition to control the details of foul and surface water management schemes.

13.7 It is officer opinion that subject to the above mentioned condition it is considered that the proposal would accord with the flooding advice in NPPF.

14.0 Contaminated Land

14.1 Policy DM5.18 Contaminated and Unstable Land 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:

- 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.

14.2 The application site is located within a contaminated land buffer zone.

14.3 The Council's Manager of Environmental Health has been consulted and recommended conditional approval of the application. Therefore, it is officer opinion that with the inclusion of the requested condition relating to gas investigation and soil sampling the application is considered acceptable in terms of contaminated land issues.

15.0 Local Financial Considerations

15.1 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). It is considered that the proposal would result in benefits in terms of jobs during the construction.

15.2 Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

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

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

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

16.0 Conclusion

16.1 The proposed development (as shown on the submitted plans) would make a small, but still valuable contribution to the housing supply. It is considered that the proposed development is acceptable in terms of its impact on existing land uses, the amenity of existing residents and future occupants, its impact on the character and appearance of the surrounding area and highway safety.

16.2 Subject to the imposition of appropriate conditions the proposed development is acceptable and accords with relevant national and local planning policy and is therefore acceptable.

16.3 With regard to all of the above, approval is recommended.

RECOMMENDATION: **Application Permitted**

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
- Application form, including materials, dated 12.01.18;
 - Site Location, Ref. 17-074 001, dated 01.12.17 (1:1250);
 - Proposed Bungalow Type 1 - 2 Bed 3 Person, Ref. 17-073 & 17-074 A103, Rev. 1, dated 12.01.18 (1:50);
 - Proposed House Type 1 - 1 Bed 2 Person & 1 Bed 2 Person, Ref. 17-073 & 17-074 A203, Rev. 1, dated 12.01.18 (1:50);
 - Proposed House Type 2 - 1 Bed 2 Person & 1 Bed 2 Person, Ref. 17-073 & 17-074 A303, Rev. 1, dated 12.01.18 (1:50);
 - Proposed Layout, Ref. 17-074 401, Rev. P1, dated 12.01.18 (1:200);
 - Design & Access Statement, Ref. 17-074 - Bonchester Court, dated 01.18
 - Arboricultural Impact Assessment, dated 18.01.18;
 - Bonchester Court: Tree Assessment, Amendment to Arboricultural Impact Assessment;
 - Arboricultural Method Statement, dated 18.01.18;
 - Bat and Bird Risk Assessment, dated 12.17; and
 - Phase I & II Geo-Environmental Assessment, Ref. P17-536/SI Rev. 1, dated 24.01.18.
- Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 *

3. No other part of the development shall be occupied 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).

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| 4. Exist Access Closure Misc Points By | ACC01 | * |
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5. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 33 metres 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 0.6 metres 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).

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| 6. | Turning Areas Before Occ | ACC02 | *Vehicles |
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7. 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, 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.

8. No development shall take place until details of facilities to be provided for the storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

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

9. No part of the development shall be occupied 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 retained thereafter.

Reason: In the interests of highway safety having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

10. Construction Method Statement - Major SIT007 *

11. Wheel Wash SIT008 *

12. No development shall commence until 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 Local Plan 2017.

13. Prior to development submit and implement on approval of the local Planning Authority a noise scheme, that includes for an assessment of road traffic noise from Battle Hill Drive and noise arising from Tyne Metropolitan College, providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014.

Reason: This needs to be pre-commencement condition to protect the amenities of the occupiers of residential accommodation having regard to policy DM5.19 of the North Tyneside Local Plan 2017.

14. Prior to occupation, submit details of the ventilation scheme 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 system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system 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.

Reason: To protect the amenities of the occupiers of residential accommodation having regard to policy DM5.19 of the North Tyneside Local Plan 2017.

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| 15. Restrict Hours No Construction Sun BH | HOU00 | * |
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| 16. Dust suppression during construction | SIT03 | * |

17. 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 and before the development is occupied.

Reason: This needs to be pre-commencement in order for the scheme to be incorporated into the below ground works at an early stage of the construction and to prevent the increased risk of flooding from any sources in accordance with the NPPF.

18. Imported soil must be chemically tested to ensure that it is suitable to protect human health. These tests must include asbestos testing. If imported soil is determined to exceed the current guidelines then it will be necessary to submit a remediation strategy to the Local Planning Authority. Once these remediation works are completed a validation report must be submitted to the Local Planning Authority.

Reason: To ensure that laboratory testing is undertaken on imported soils to ensure that they are suitable for human health.

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| 19. Gas Investigate no Development | GAS00 | * |
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20. Notwithstanding Condition 1, prior to occupation final boundary treatment designs in relation to plots 9 to 13 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: In the interests of amenity, to ensure a satisfactory standard of landscaping and boundary treatments having regard to policies DM5.9 and DM6.1 of 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.

Informatives

Building Regulations Required (I03)

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)

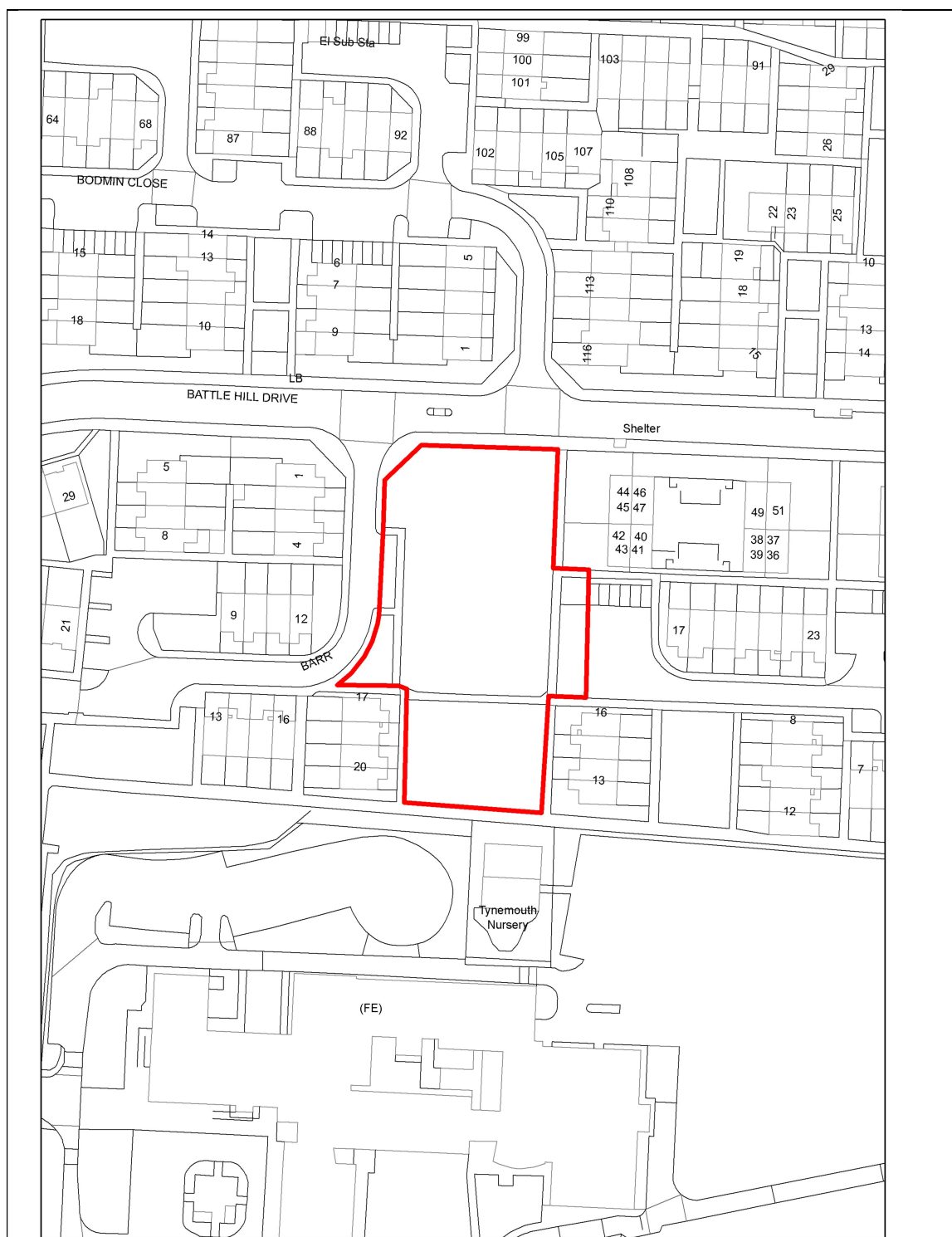
Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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



Application reference: 18/00054/FUL

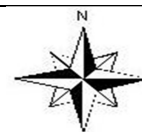
Location: Site of former Bonchester Court, Broxburn Close, Wallsend, Tyne and Wear

Proposal: Development of 13no properties. Comprising 5no 2 bed bungalows and 8no 1 bed flats

Not to scale

Date: 21.03.2018

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Appendix 1 – 18/00054/FUL
Item 7

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager:

1.2 This application is for the development of 13 properties comprising of 5 two bed bungalows & 8 one bed flats. The site is located on the site of Bonchester Court which has now been demolished. The site is accessed via Barr Close and parking for new residents has been provided within the site. Parking bays associated with the previous use on Barr Close & Broxburn Close have either been retained or relocated for use by visitors to the site or by existing residents who currently use these bays. Refuse will be stored in each plot and collected from a single point on collection day. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 The applicant will be required to enter into an appropriate Legal Agreement for the following works:

- New access;
- Upgrade of footpaths surrounding site;
- Provision of new parking bays on Barr Close;
- Surfacing of existing parking bays on Broxburn Close;
- Associated street lighting;
- Associated drainage;
- Associated road markings;
- Associated Traffic Regulation Orders; and
- Associated street furniture & signage.

1.5 Conditions:

- ACC11 - New Access: Access 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;
- PAR04 - Veh: Parking, Garaging before Occ;
- REF01 - Refuse Storage: Detail, Provide Before Occ;
- SIT07 - Construction Method Statement (Major); and
- SIT08 - Wheel wash;
- No part of the development shall be occupied 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 retained thereafter.

Reason: In the interests of highway safety; and

- No development shall commence until 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.

1.6 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;
- I12 - Contact ERH Erect Scaffolding on Rd;
- I13 - Don't obstruct Highway, Build Materials;
- I45 - Street Naming & Numbering; and
- I46 - Highway Inspection before dvlpt.

2.0 Manager of Environmental Health (Pollution):

2.1 Thank you for consulting Pollution with regard to this application. The proposed residential housing is located adjacent Battle Hill Drive and Tyne Metropolitan College there will be a need for a noise scheme to protect housing amenity and gardens from road traffic noise and from noise arising from the college including potential plant noise. I would advise that a noise survey is carried out to ensure an appropriate standard of glazing is provided.

2.2 The traffic noise assessment shall be carried out based on the memorandum of road traffic noise and consideration should be given to ensure that internal rooms are provided with appropriate noise mitigation to ensure good standards of internal noise levels in accordance with BS8233 to give a resultant equivalent noise level of below 30 dBA and maximum noise level of 45dB for bedrooms and 35 dBA for living rooms is achieved in accordance to BS8233. Any external gardens to meet the World Health Organisation community noise level for outside spaces to 50 dB.

2.3 The layout plan does not clearly identify if gardens are to be provided or only communal outdoor areas. Any outdoor amenity space with line of sight of Battle Hill Drive and the college may require acoustic screening to ensure that noise levels in outdoor space achieve the guidance levels of the World Health Organisation community noise guidance for outdoor amenity to below 55 dB LAeq, as this is the level for the onset of serious annoyance.

2.4 I would also recommend conditions to control the construction operating times and dusts arising from the site during the demolition and construction phases.

2.5 I would therefore recommend the following conditions should planning approval be granted:

- Prior to development submit and implement on approval of the local Planning Authority a noise scheme, that includes for an assessment of road traffic noise from Battle Hill Drive and noise arising from Tyne Metropolitan College, providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014.;
- Prior to occupation, submit details of the ventilation scheme 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 system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system 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, submit and implement on approval of the local Planning Authority a noise scheme for any outdoor amenity space, providing details of the sound attenuation measures to be implemented, and thereafter retained, so that the noise levels within the outdoor amenity space achieves the World Health Organisation community noise guidance for outdoor amenity of 55 dB LAeq.;
HOU04;
HOU05; and
SIT03.

3.0 Manager of Environmental Health (Contaminated Land):

3.1 Thank you for consulting Contaminated Land. The Phase 1 and 2 Report written by 3E Consulting Engineers Ltd has been reviewed.

3.2 With regards to Contamination of soils the conclusions of the report are accepted. Part E of CON 01 should be applied to the application should any hotspots be identified during the development. Also a non-standard condition should be applied to the application to ensure that laboratory testing is undertaken on imported soils to ensure that they are suitable for human health 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.

3.3 NON - STANDARD CONDITION AS FOLLOWS:

Imported soil must be chemically tested to ensure that it is suitable to protect human health. These tests must include asbestos testing. If imported soil is determined to exceed the current guidelines then it will be necessary to submit a remediation strategy to the Local Planning Authority. Once these remediation works are completed a validation report must be submitted to the Local Planning Authority.

3.4 I understand that gas monitoring is still ongoing, as the site is directly above known mine workings the following condition should be attached to the application:

GAS 06:

The development hereby permitted shall not 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.

4.0 Design Officer:

4.1 The 1.8m high open boarded timber fence is not supported where it faces the public realm and should be amended. This feedback was given in the pre-app comments "Some of the rear gardens would be highly visible within existing streets and spaces. Feature walls with optional timber infill panels should be used in these locations". Brick wall boundary treatments facing the public realm would also continue the established pattern of boundary treatments surrounding the site. (Following negotiations this is proposed for condition).

4.2 Waste bins for the flats are proposed to be located in bin stores. The design of these should be conditioned to ensure that they contribute towards the visual quality of the development.

5.0 Local Lead Flood Authority

5.1 This application is for the development of 13 properties comprising of 5 two bed bungalows & 8 one bed flats. The site is located on the site of Bonchester Court which has now been demolished. Surface water will be dealt with by existing NWL infrastructure and conditional approval is recommended.

5.2 Recommendation - Conditional approval

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

6.0 Representations

6.1 None

7.0 External Consultees

7.1 Northumbrian Water:

7.2 Thank you for consulting Northumbrian Water on the above proposed development.

7.3 In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

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

7.5 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:

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.

8.0 Natural England:

8.1 Thank you for your consultation on the above dated 26 January 2018 which was received by Natural England on 26 January 2018.

8.2 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

8.3 The Wildlife and Countryside Act 1981 (as amended)

8.4 The Conservation of Habitats and Species Regulations 2017

8.5 Natural England's comments in relation to this application are provided in the following sections.

8.6 Statutory nature conservation sites – no objection

8.7 Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

8.8 Protected species

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

8.10 Natural England has published Standing Advice on protected species.

8.11 You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

8.12 The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

8.13 If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

8.14 Local sites

8.15 If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

8.16 Biodiversity enhancements

8.17 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving*

biodiversity'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

8.18 Landscape enhancements

8.19 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

8.20 Sites of Special Scientific Interest Impact Risk Zones

8.21 The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website