



South Tyneside Council

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Date: 09/03/2018
Our ref: ST/0206/16/COND,
ST/0794/16/COND,
ST/0207/16/COND,
ST/0208/16/COND,
ST/0210/16COND.

Your ref:
This matter is being dealt with by:
Helen Lynch on 0191 4247408
e-mail address:
planningapplications@southtyneside.gov.uk

Dear Mr Thompson,

Screening Opinion of the Local Planning Authority

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

- Proposal:** Discharge of Conditions relating to previously approved Planning Application ST/0081/13/FUL
- Description:** Trinity South land bordered by Laygate, Eldon Street, Reed Street, Western Approach and including Rekendyke Lane, Havelock Street, southern section of Frederick Street and part of New George Street, Car Park Laygate, 1,2-9 Eldon Street, Garden Gate Drive, Harvey Close, High Shields Close 14-29 Laygate, Lyons Way, O'Leary Close, Palace Close, Plessey Walk, South Shields.

With reference to the above, I hereby notify you of the Local Planning Authority's screening opinion as to whether the submission of the conditions listed below requires an Environmental Impact Assessment to be carried under the above regulations (and that would lead to the need to submit an Environmental Statement).

- 7 (Details of Play Area) - ST/0206/16/COND.
- 8 (Schedule of Maintenance of the Children's Play Area) – ST/0794/16/COND.
- 9 (Street Furniture) – ST/0207/16/COND.
- 10 (Soft Landscaping Scheme) – ST/0208/16/COND.
- 11 (Landscaping Maintenance plan) – ST/0210/16/COND.

The conditions are being screened in the context of them being "subsequent applications", as part of a "multi-stage consent"; where in this instance the planning application was subject to a negative EIA screening opinion issued 21 February 2013.

With regard to multi-stage consents the NPPG also states the following:

"Where a consent procedure involves more than one stage (termed a 'multi-stage consent'), for example, a first stage involving a principal decision (such as an outline planning permission) and the other an implementing decision (such as reserved matters), the likely significant effects of a

project on the environment should be identified and assessed at the time of the procedure relating to the principal decision (See reference for a preliminary ruling in R v. London Borough of Bromley ex parte Barker (C-201/02) and Commission v UK (C-508/03)). However, if those effects are not identified or identifiable at the time of the principle decision, an assessment must be undertaken at the subsequent stage.

Under the Town and Country planning system this could be prior to approval:

- of reserved matters following a grant of outline planning permission;*
- of matters required by a condition attached to a full planning permission; ...”*

As background, the development granted by the planning permission was not a development type that fell within Schedule 1 and, as such, it did not automatically require the carrying out on an Environmental Impact Assessment and the submission of an Environmental Statement. And, it did not fall within a 'sensitive area', as defined by the regulations but it was considered to potentially fall within Development Category Type '10. (b) Urban development projects' of Schedule 2 of the regulations, with the proposed works exceeding the threshold of 1 hectare as stipulated in Column 2. (The 2017 regulations have amended the thresholds to more than 5 hectares and 150 dwellings as stipulated in Column 2).

Background

Planning permission (ref: ST/0081/13/FUL) was granted on 29/04/2013 for residential development comprising 222no. dwellings and associated infrastructure, landscaping and boundary treatments, together with new and revised public car parking facilities and car parking for the Trinity Medical Centre and St George's Medical Centre, and proposed new bus lay-by on Western Approach.

An Environmental Impact Assessment Screening Opinion (ref: ST/0169/13/EIA), linked to planning permission (ST/0081/13/FUL) was issued on 21/02/2013 and concluded that the proposed development, whilst being a Schedule 2 development under the 2011 regulations, would not, on the basis of all the information provided, have significant environmental impacts for it to require the carrying out of an Environmental Impact Assessment and the submission of an Environmental Statement.

1. The characteristics of the development

The 6.5 ha site is bounded to the north by Laygate comprising a mix of commercial and residential properties, to the west by Rekendyke Industrial Estate - Eldon Street and Havelock Street comprising light industrial uses, commercial premises and One Trinity Green (a business incubator unit providing managed workspace for new and growing companies providing offices and workshop units), to the east by Western Approach (A194) and the northern half of Frederick Street, and to the south by Reed Street, comprising residential properties including Sinclair Meadows, a recently completed sustainable housing development.

The Council's overall spatial strategy for sustainable development (Core Strategy Policy ST1) promotes the regeneration of the River Tyne coastal corridors including the Tyne Gateway at South Shields, and in seeking to create sustainable urban areas, development should focus upon the restoration of links between the River Tyne and the town centres and residential areas within the Tyne riverside regeneration corridor (Core Strategy Policy SC1).

The development forms part of the wider riverside regeneration area, known as Trinity South. The development site was subject to an outline planning permission (ref: ST/0588/09/OUT) for mixed-use development comprising 401 residential units, 5,700sqm commercial floorspace (use class B1 and B2) and 400sqm retail and leisure floorspace (use class A1, A2, A3, A4 and D2), granted consent on 5/11/2009.

The Local Planning Authority was not asked for a Screening Opinion for this application; the applicant 'volunteered' to carry out an Environmental Impact Assessment (EIA). A Scoping Opinion of the Local Planning Authority was issued on 14 January 2009. The Environmental Statement (ES) completed in accordance with the scoping opinion set out the findings of an EIA.

The ES described the range of environmental receptors which could have been affected by the proposed development, including noise, odour, air quality, water resources, socio-economic considerations, land quality and ecology / nature conservation. The land quality section of the ES identified elevated levels of certain contaminants across the site. The ES identified further site investigative works should be carried out and mitigation methods employed. Further mitigation measures were also recommended in respect of odour, noise, air quality and water quality. Based on the information within the ES and in consultation with Natural England and the Council's Countryside Officer it was concluded that the development was unlikely to have an adverse effect in respect of species protected by law. Mitigation measures were outlined in the Environmental report relating to bats, birds and landscape.

The development site is allocated within the Council's Local Development Framework, Site Specific Allocations document (adopted April 2012) for housing. Policy SA9 allocates the site for approximately 140 dwelling units in the 2011-2016 plan period and approximately 237 dwellings in the 2016-2021 plan period. The Council's LDF Core Strategy aims to provide 5,500 new dwellings within the Borough before 2021. The proposal will contribute to this figure. The proposal represents a decrease in the overall density of development from the previously approved outline application.

The characteristics of development must be considered having regard, in particular, to (a) the size of the development; (b) the cumulation with other development; (c) the use of natural resources; (d) the production of waste; (e) pollution and nuisances; and (f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge and (g) the risk to human health.

The development, which is on-going would produce waste in the form of the debris from redevelopment of the site.

Potential pollution (noise and air quality emissions) and nuisance is associated with all stages of the proposal through to the construction process, and then to the impacts of the long term end use.

The construction methods used could give rise to the risk of accidents.

The submitted conditions include further information with regards to the landscaping of the development site, the installation of street furniture and the development of play areas and the maintenance of all these features.

2. The location of the development

The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to— (a)the existing and approved land use; (b)the relative abundance, quality and regenerative capacity of natural resources in the area; (c)the absorption capacity of the natural environment, paying particular attention to the following areas— (i)wetlands; (ii)coastal zones and marine environment; (iii)mountain and forest areas; (iv)nature reserves and parks; (v)European sites and other areas classified or protected under national legislation (vi)areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation relevant to the project, or in which it is considered that there is such a failure; the environmental quality standards laid down in EU legislation and relevant to the project, or in which it is considered that there is such a failure; (vii)densely populated areas; (viii)landscapes and sites of historical, cultural or archaeological significance.

The development site is previously developed land. The site comprises the former Circatex factory site, the southern half of Frederick Street and southern half of New George Street.

The site is located within an urban area and is surrounded by housing, commercial and light industrial uses. There are local shops and services located adjacent to the site. The immediate area to the site is served by a good road and public transport system and is considered to be a sustainable location.

The as detailed above the site was designated for residential development in the Local Development Framework and is not within or adjacent to a 'sensitive location'.

Neither the site nor its immediate surroundings have been identified as environmentally sensitive areas, as set out in schedule 3 of the regulations, which would be likely to be affected by the development.

The development required the removal of a number of street trees, which did have a visual and landscape impact. However the submitted details in respect of the conditions has identified extensive planting proposals including the creation of a linear park through the development to enable pedestrian movements within a landscaped setting. As such it is not considered that the loss of trees to the perimeter of the site and the resultant impacts are excessive and that appropriate landscape proposals, as detailed in the submitted information for the listed conditions will mitigate negative impacts.

There are no Statutory Site for Nature Conservation such as Sites of Special Scientific Interest (SSSI's), RAMSAR sites, Special Protection Areas (SPA's) or Special Areas of Conservation (SAC's) within 2km and no SACs designated specifically for bats within 30km of the development site. In respect of the developments potential impact on biodiversity including protected species, the application was accompanied by a phase 1 habitat and protected species survey. The report concluded that no protected species were recorded on site, and the risk of them being present is low. The site was of low ecological value, comprising amenity grassland, areas of hardstanding and built development. The semi-mature trees to the west of the site and areas of ornamental/shrub planting were of local ecological value due to their value to nesting birds. Potential impacts of the development were identified within the report and mitigation measures proposed.

The development site is not located within a Conservation Area and there are no adjacent listed buildings or Locally Significant Heritage Asset as detailed within SPD21. No archaeological remains, listed or local listed buildings will be directly affected by the development.

Existing land uses around the location include residential properties and there are a number of community uses (e.g. places of worship and community facilities) in the immediate neighbourhood. It is however acknowledged that the proposed landscaping and play areas will not impact upon the use and access to community facilities and that the play area will provide a further community feature to the immediate area. The proposed landscaping will also enhance the area and improve the visual quality of the public realm.

3. Characteristics of the potential impact

In relation to points 1 and 2 above the potential impact of the development is considered to be isolated to the site and its immediate surroundings. This represents both a limited geographical area and affected population. Potential impacts are not anticipated to extend to a wider area or population.

The potential impacts of the development in terms of waste, dust, noise, vibration or potential disturbance during construction are not anticipated to be any different to those experienced on other development sites (for similar development). The same assessment applies in relation to the risk of accidents occurring. The duration of these potential impacts would be limited to a period starting with the commencement of development through to its completion.

The planning application was supported by a number of technical reports and documents; Ecological Survey Assessment and Mitigation Report and Protected Species Survey, Design and Access Statement, Archaeological Assessment, Flood Risk Assessment and Drainage Strategy, Land Contamination Assessment, Heritage Statement, Coal Mining Assessment, Noise Assessment, Open Space Assessment, Sustainability Statement, Odour report, Transport Assessment and Arboricultural Statement. Recommendations and mitigation in respect of the proposed development, were made within these reports and subsequent requirements conditioned through the grant of planning permission.

The development in providing areas of landscaping and public open space (the linear park) would enhance the biodiversity and use of the site. Planting including trees within the site, the development of private gardens and the creation of public open space proposed will soften the visual impact of the development within the local area.

In relation to points 1 and 2 above, the potential impacts of the proposed development, in respect of the proposed landscaping works and installation of play equipment and street furniture to be undertaken, are primarily considered to be:

- Impact upon the environment, including its ecology.
- Noise and other environmental pollutants – e.g. noise, dust, vibration.
- Impact upon nearby residential and commercial properties.

In considering the potential significant effects of the development, regard has been paid the criteria set out in Schedule 3 of the Regulations.

The Council has also had regard to the guidance contained within National Planning Practice Guidance (NPPG) with regards to the procedure for deciding whether a Schedule 2 project is likely to have significant effects. It must be stressed that this is only guidance, to assist the Council in deciding

whether the development is likely to have significant effects on the environment (by virtue of factors such as nature, size or location.)

NPPG advises that:

"Only a very small proportion of Schedule 2 development will require an assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary. To aid local planning authorities to determine whether a project is likely to have significant environmental effects, a set of indicative thresholds and criteria have been produced... The table also gives an indication of the types of impact that are most likely to be significant for particular types of development.

However, it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits."

Noise disturbance through the end use of the site and during the construction phase has been assessed. The works to install landscaping and the play equipment would not result in an increase in noise to that currently experienced through the development of the residential development, for which construction works continue.

It was also identified that details for the landscaping, street furniture and play areas and their maintenance were required; details in this regard were not available for assessment at the application stage. As such the following conditions were attached to the grant of planning;

Condition 7:-

Notwithstanding the information already submitted as part of these proposals, no dwelling shall be occupied until full details of the children's play area and incidental play features, (to include the layout, means of enclosure / location of gate entrance(s) hard surfacing and play equipment to be installed), together with a schedule for the completion of these works on site, have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard and appropriately designed and equipped play area in accordance with the South Tyneside Council Local Development Framework policy DM1.

Condition 8:-

Notwithstanding the information already submitted as part of these proposals, the development of the children's play area shall not be commenced until a schedule of maintenance of the play area, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the management responsibility for maintenance, the duration, frequency, and operations to be undertaken and arrangements for its implementation and details of the replacement policy. The approved play area (in pursuance of condition no. 7) shall be maintained in accordance with the approved schedule.

To ensure a satisfactory standard of development, in accordance with South Tyneside Local Development Framework Policy DM1.

Condition 9:-

Notwithstanding the details submitted as part of these proposals, no dwelling shall be occupied until details and specifications for all proposed street furniture, including sculptural timber gateway and entrance features, seating, bins, and tree grilles, and walls, fences and other means of enclosure not detailed on Drg no. BT001C have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard and appropriately designed and equipped play area in accordance with the South Tyneside Council Local Development Framework policy DM1.

Condition 10:-

Notwithstanding the details already submitted as part of these proposals, no dwelling shall be occupied until a landscaping scheme for the site in its entirety, including details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the type, height, species and location of all new trees and shrubs as well as any proposed seeding, turfing, hard surfacing materials and the formation of any contours, banks or slopes etc.

Any newly planted tree or shrub that is removed, dies or becomes seriously damaged or diseased within a period of 5 years from the completion of the total scheme shall be replaced not later than the next planting season after the loss or damage has been identified, by others of similar size and species (unless otherwise agreed in writing by the Local Planning Authority).

All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development, mitigate adverse impacts on biodiversity and to provide any appropriate screening in accordance with South Tyneside Local Development Framework Policy DM1(A, and D).

Condition 11:-

Notwithstanding the details submitted as part of these proposals, no dwelling shall be occupied until a schedule of maintenance of the landscaping scheme, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the management responsibility for maintenance, the duration, frequency, and operations to be undertaken and arrangements for its implementation and details of the replacement policy for damaged or diseased plants. The approved landscape scheme (in pursuance of condition no. 10) shall be maintained in accordance with the approved schedule.

To ensure a satisfactory standard of development, mitigate adverse impacts on biodiversity and to provide any appropriate screening in accordance with South Tyneside Local Development Framework Policy DM1(A, and D).

The proposals have been amended through the assessment of the conditions and this has been the result of consultation with the Council's Community Safety Team, Landscape, Regeneration and the Play Team. The proposals as submitted have addressed issues of planting heights, density and location and any resultant areas at risk of anti-social behaviour. The play areas, both informal areas and formal

play area have been reviewed to ensure design and materials are appropriate and that the play areas are accessible to all.

The maintenance proposals, including details for the private maintenance company and confirmation of the inclusion of signage to provide these contact details should they be required, have also been provided.

Consideration of each of the potential impacts reveals that while there may be an effect, in no instance, taking account of the type or scale of the proposed development, is the impact likely to be significant. Particular regard has been had to: the extent of the impact (geographical area and size of the affected population), which is considered to be limited to the immediate area of the development site; the transfrontier nature of the impact, which is considered not to exist; the magnitude, complexity and probability of the impact, which are considered to be low; and the duration, frequency and reversibility of the impact, which are not considered to be significant.

Critically, it is considered that the information submitted with the conditions are not likely to give rise to significant environmental effects to lead to a different conclusion in terms of Environmental Impact Assessment screening relative to that, that was issued on 21/2/2013 with regards to the planning application.

Conclusion

It is the Council's opinion that whilst the proposed development would be a Schedule 2 development under the above regulations (and where the planning application has already been negatively screening for EIA purposes), that on the basis of all the information submitted with regards to the condition listed; its consideration would not have significant environmental effects that would require the carrying out of an Environmental Impact Assessment (and that would lead to the need to submit an Environmental Statement).

You should note that this letter solely relates to Environmental Impact Assessment screening under the above regulations. And, a copy of this letter has been placed on the planning register for each discharge of condition request reference listed (in this letter).

If you have any questions regarding this letter please contact the case officer, as shown on the first page.

Yours sincerely

Peter Cunningham
Operations Manager (Planning)

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