

Application No: 18/00881/FUL Author: Maxine Ingram
Date valid: 29 June 2018 ☎: 0191 643 6322
Target: 28 September 2018 Ward: Valley
decision date:

Application type: full planning application

Location: Land at Backworth Business Park, Eccleston Close, Backworth, NEWCASTLE UPON TYNE

Proposal: Construction of 67 residential dwellings (C3) and 14 No. B1, B2 & B8 commercial units totalling 650 sqm, with associated road infrastructure, car parking spaces, open spaces, gardens and landscaping (Amended plans and reports received June/July2019)

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

Agent: Mr Barry Spall, The Northumberland Estates Estates Office Alnwick Castle Alnwick NE66 1NQ United Kingdom

RECOMMENDATION:

It is recommended that members indicate they are minded to approve the application and authorise the Head of Environment, Housing and Leisure to determine the application subject to:

- a) the conditions set out below and the amendment to, addition or omission of any other condition considered necessary;**
- b) the applicant entering into a legal agreement to secure the following:**
 - a contribution of £22,759.00 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area;**
 - 12 no. affordable units; and,**
 - an area of off-site ecology mitigation.**

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

Alterations to existing access

New access

Upgrade to footpath abutting the site

Provision of traffic calming to 20mph in the vicinity of the site on Station Road

Provision of suitable pedestrian crossing point on Station Road

Associated highway drainage

Associated street lighting

Associated road markings

Associated signage

Associate legal orders

INFORMATION

1.0 Summary Of Key Issues & Conclusions

The main issues for Members to consider in this case are:

- Principle of the development;
- Impact on the character and appearance of the area, including adjacent heritage assets and the Backworth Conservation Area;
- Impact upon the amenity future residents, including the impacts on existing businesses;
- Impact on highway safety;
- Impact on biodiversity, including the Local Wildlife Site (LWS) and wildlife corridor;
- Other issues.

1.1 Planning law requires that applications 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 material considerations in reaching their decision.

2.0 Description of the Site

2.1 The site to which this application relates is an area of land to the east of the B1322 and occupies an area of approximately 6.08 hectares. The land is open in character. Access to the site from the B1322 is provided from Eccleston Close, with existing workshops located close to the road frontage. A further two-storey building adjacent to the application site and Eccleston Close is occupied as offices, with a neighbouring industrial building and plot accommodating Keenan Processing Limited (Keenan's), fruit and vegetable wholesale. On the boundary to the north of the site is residential development on Claverley Drive, Telford Close, and Shrewsbury Drive.

2.2 The site is designated as a mixed-use site (Map Ref: 29 Backworth Business Park and Cottages, Backworth) in the Local Plan (LP). It is also designated as a wildlife corridor and part of the site is designated as a Local Wildlife Site (LWS).

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of 67 residential dwellings (C3) and 14 no. B1, B2 and B8 commercial units, with associated road infrastructure, car parking spaces, open spaces, gardens and landscaping.

4.0 Relevant Planning History

4.1 Application site

12/00637/FUL - Change of use of existing vacant employment land to residential (C3) and construction 65 residential units (including 13 affordable homes) with associated road infrastructure, structural landscaping, gardens and public amenity space – Refused 12.05.2015. Dismissed at appeal 31.08.2016

4.2 Reason for refusal:

The proposed development would result in an unacceptable level of amenity for the occupiers of the proposed residential properties and it would place unreasonable restrictions upon Keenan's Processing factory to the detriment of their business contrary to the advice in NPPF, policies E3, H5, and H11 of the North Tyneside Unitary Development Plan 2002.

4.3 Adjacent site – Holywell Engineering

18/01373/FUL - Demolition of several existing buildings. Conversion of existing Backworth Lodge, Dairy Cottage and Ivy Cottage to form 4no flats and 2no. dwellings. Erection of new apartment building (13no apartments) and 27no dwellings – Pending decision

18/01374/LBC - Demolition of several existing buildings. Conversion of existing Backworth Lodge, Dairy Cottage and Ivy Cottage to form 4no flats and 2no. dwellings. Erection of new apartment building (13no apartments) and 27no dwellings – Pending decision

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (February 2019)

6.2 National Planning Practice Guidance (NPPG) (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 Local Planning Authorities (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:

- Principle of the development;
- Impact on the character and appearance of the area, including adjacent heritage assets and the Backworth Conservation Area;
- Impact upon the amenity future residents, including the impacts on existing businesses;
- Impact on highway safety;
- Impact on biodiversity, including the Local Wildlife Site (LWS) and wildlife corridor;
- Other issues.

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

8.0 Background information

8.1 In 2016, an appeal, following the council's decision to refuse planning permission for 65 dwellings on part of the site subject of this application, was dismissed. The council refused the application as the housing would have had windows permanently fixed shut (see paragraph 4.2 of this report). The Inspector dismissed the appeal as the development would not have provided acceptable living conditions for future occupiers.

8.2 Since the appeal decision a number of factors have changed with regards to the site and this application, which include:

- Local Plan (2017) allocation for mixed-use development.
- Additional area of land to the east of the previous planning application site has been added to the mixed-use site allocation. This is included within this application.
- This application proposes both residential and commercial uses, the proposed dwellings are located away from Keenan Processing Ltd behind a noise bund and fencing, with commercial units proposed adjacent to Keenan Processing Ltd.
- This application is accompanied by a noise assessment which the applicant has used to form the proposed layout.

8.3 Members are advised that an application seeking full planning permission (18/01373/FUL) for the conversion of existing buildings to form 4no. flats and 2no. dwellings and the construction of 13no. apartments and 27no. dwellings has also been submitted. This application relates to the parcel of land to the south of this application site. This is being considered at the same planning committee as this application.

9.0 Principle of development

9.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: "However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The council considers that, as the plan is recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

9.2 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development running through both plan-making and decision taking. For decision taking this means approving development proposals that accord with an up-to-date Plan without delay; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

9.3 Paragraph 59 of the NPPF states “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.” In order to achieve this objective Government requires local planning authorities to identify annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

9.4 The underlying principle of national policy is to deliver sustainable development to secure a better quality of life for everyone now and future generations. This principle is key to the role of the planning system in the development process. The aims of how the Local Plan contributes towards achieving sustainable development for North Tyneside are set out under Policy S1.1 ‘Spatial Strategy for Sustainable Development’. This policy sets out the broad spatial strategy for the delivery of the objectives of the Plan.

9.5 Strategic 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 strategic, development management and other area specific policies in the Plan. Amongst other matters, this includes: taking into account flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

9.6 The overarching spatial strategy for housing is to protect and promote cohesive, mixed and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to meet the needs of the existing community and to support economic growth of North Tyneside. Strategic Policy S4.1 ‘Strategic Housing’ sets out the broad strategy for delivering housing.

9.7 LP Policy DM1.3 Presumption in Favour of Sustainable Development states: “The Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan.

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

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

9.8 LP Policy S4.3 Distribution of Housing Development Sites states: “The sites allocated for housing development are identified on the Policies Map of the North

Tyneside Local Plan 2017, including those identified for both housing and mixed-use schemes. The Strategic Housing Land Availability Assessment 2016 outlines that these sites have an overall capacity of approximately 8, 838 homes, assessed as being deliverable and developable over the plan period to 2032.”

9.9 The application site forms part of a larger site that is designated for a mixed use by LP policy S4.3 (29). This allocation covers both the Backworth Business Park site and the Holywell Engineering site, which it identifies as mostly greenfield, but having the potential to accommodate 65 homes. Paragraph 7.31 states “This policy (S4.3) has been identified as having the potential to cause adverse impacts on internationally protected wildlife sites. When implemented, regard should be had to policy DM5.6 that sets out the requirement for appropriate avoidance or mitigation of, or compensation for, any adverse effects.” The impacts of biodiversity are considered in section 14 of this report. However, in terms of the principle of development, this development requires appropriate assessment. Paragraph 177 of the NPPF states “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.”

9.10 It is noted that an objection has been received stating that this application is contrary to policy S4.3 (29) of the LP, as it seeks too many houses on this site. The objector states that the LP identifies this site for 65 dwellings across the entire 8.5ha site. They state that in combination with the adjacent Holywell Engineering site (18/01373/FUL) there would be a total of 113 dwellings well in excess of what was envisaged in the LP. It is noted that this objection makes specific reference to the terminology used in the Inspector’s Report, including ‘modest and subservient’. However, the Inspector’s report also makes a range of other observations that can be taken from this paragraph including, “The extent of the site allocated and the policy framework to enable a modest amount of residential development would provide appropriate flexibility to find a pragmatic and viable solution to this long-standing opportunity site”. Clearly what modest means is subjective however, Members should consider whether the Inspector wanted to retain flexibility to essentially invite the landowners to come forward with schemes that provide a pragmatic solution to the issues on the site are viable and recognise the existing mix of uses and other constraints (mining history, biodiversity etc).

9.11 The Local Plan identifies that this designated mixed-use site overall can provide a potential of 65 units. The number given in the LP is only “potential” and has been derived for the purposes of assisting the Council to determine how much housing land it needs to provide to ensure enough housing is built. It has not been derived following any detailed design work. Members are advised that at an average density of 27 dwellings per hectare, this allocated mixed-use could accommodate 228 dwellings. The combined total of 113 dwellings across both schemes is consequently far from making the site a 100% residential scheme. Although the site would provide more housing than that indicated in the LP, that in itself is not harmful. The issue is whether the site can adequately accommodate the amount of housing proposed. This is considered in a latter section of this report however, Members must take into account the full range of

uses on the site: open space, trees, SUDS, commercial uses and weigh this against the number of dwellings proposed and consider whether this is overbearing.

9.12 The application site forms part of a larger site that is allocated for a mix of uses. This application would provide an element of mixed-use. This application on its own and alongside application 18/01373/FUL would provide more housing than that indicated in the LP but that in itself is not harmful. Members need to determine whether the principle of development is acceptable. It is officer advice, subject to all other matters set out below being addressed, that the principle of developing part of an allocated site for a mixed-use development is acceptable and is in full accordance with the advice in NPPF and policies DM1.3, S4.1 and S4.3 (29) of the North Tyneside LP 2017.

10.0 North Tyneside Council Housing Land Supply

10.1 Paragraph 73 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

10.2 The most up to date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 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 6.1 year supply of housing land). It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017).

10.3 The potential housing land supply from this proposal is included in the Council's Housing Land Availability Assessment (HLAA) (ref 66a).

10.4 The proposed development would assist in supporting the council's objective of meeting the objectively assessed housing need and ensure a mix of housing for both existing and new residents in the borough. This is therefore in accordance with LP policies S4.1 and S4.2(a) 'Housing Figures'.

11.0 Impact on the character and appearance of the area, including adjacent heritage assets and the Backworth Conservation Area

11.1 Paragraph 124 of the NPPF recognises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

11.2 Paragraph 127 of the NPPF states that decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

11.3 Paragraph 91 of the NPPF, amongst other matters, seeks to promote healthy and safe communities. Decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction....street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; are safe and accessible....enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

11.4 Paragraph 130 of the NPPF makes it clear that 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.

11.5 Under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the impact of this development on the special architectural and historic interest of the setting of nearby heritage assets must be considered.

11.6 In respect of designated heritage assets, the NPPF states that when determining the impact on the significance of a heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm total loss, or less than substantial harm to its significance (para 193). Potential impacts on heritage assets is further considered in paragraphs 194-196 of the NPPF.

11.7 At paragraph 200 of NPPF it states;
'Local planning authorities should look for opportunities for new development within conservation areas... and within the setting of heritage assets to enhance or better reveal their significance.

11.8 LP Policy DM6.1 Design of Development states: "Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

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

11.9 LP Policy S6.5 states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

11.10 LP Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate enhance the significance, appearance, character and setting or heritage assets in an appropriate manner.

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

11.12 LP Policy DM7.9 ‘New Development and Waste’ states “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.”

11.13 Local Planning Authorities have the option to set additional technical requirements exceeding the minimum standards set by Building Regulations in respect of access and water efficiency, and a Nationally Described Space Standard (NDSS). In this context, access relates to how people access and use a dwelling and its facilities and for space, this relates to the internal space of a dwelling. During the preparation of the LP work was undertaken to establish whether there was a need to implement these higher standards in North Tyneside. The evidence concluded that there was a need, in terms of the optional standards relating to access and internal space, to introduce these higher standards. These housing standards are set out in Policy DM4.9 of the LP.

11.14 The objections received regarding the impact on the conservation area, the impact on visual amenity, the impacts on residential amenity and inappropriate design are noted.

11.15 Dairy Cottage, a Grade II Listed Building, is located to the south west of the application site, and the adjacent Backworth Conservation Area is located to the north and west, which the junction between Ecclestone Close and the B1322

sits within. The Backworth Village Conservation Area was designated in 1974; however, there is no character appraisal. It is acknowledged that Dairy Cottage and the conservation area have in the past been defined by the presence of the buildings and infrastructure related to Backworth Colliery on the application site, which has previously been indicated as being operational from the early 19th century until the cessation of mining in the late 1970's, with the removal of buildings, railway lines and sidings taking place in the 1990's. It is the view of officers that Dairy Cottage, which the application site is located within the setting of, would not be adversely affected by the development due to the intervening distance and the physical separation of the application site.

11.16 The area of the conservation area that abuts the application site includes a pocket of existing trees and the existing Backworth workshops on the north west boundary of the site. The majority of these trees within Group 1B will be retained. Therefore, it is considered that the site is well screened from the adjacent conservation area by the existing workshops fronting onto the B1322 and the existing vegetation and trees along the northern boundary of the site.

11.17 The land to the south of the existing workshops is enclosed by a brick wall, timber fencing and existing vegetation along its west boundary and its south west corner. The Design Officer has raised concerns regarding the proposed parking and substation in this area and their impact on the Backworth Conservation Area. However, due to the existing boundary treatment and vegetation, it is not considered that these will adversely impact on the character and appearance of this part of the conservation area. Furthermore, additional planting is proposed in this area.

11.18 The central area of open space, for recreational use and biodiversity enhancements, within the proposed site has a range of landscape proposals, such as amenity grass, neutral grassland, native shrub planting and landscape bunds with fencing. The concerns raised by the Design Officer regarding the visual impact of the mound when viewed from the adjacent conservation area are noted. This proposed mound, which is required to mitigate noise, is sited away from the junction with the B1322. Therefore, due to its positioning within the site, it is not considered that significant views of this mound would be afforded to such an extent that will sustain a recommendation of refusal.

11.19 The remainder of the conservation area to the west and north west of the application site will not be adversely affected by the proposed scheme due to the modern housing development that already exists adjacent to the conservation area, and the existing built form and landform to the west of the site. On balance, it is not considered that this development will result in a significant impact on the character and appearance of the adjacent conservation area. The significance of the heritage assets will not therefore be diminished by the development as it will not detract from their setting and will not therefore conflict with the policies of NPPF, which seek to conserve and enhance the historic environment.

11.20 It is noted that the most north east corner of the site abuts an area of designated Green Belt. However, the proposed built form of this development is set back from the Green Belt. Therefore, it is not considered that this

development will significantly impact on the openness of the Green Belt. As such, it complies with the NPPF and LP.

11.21 This development will provide a range of properties, including bungalows, 67 dwellings in total, as well as 14no. commercial units. The applicant has sought to address the concerns of the Design Officer by amending boundary treatments, their chosen palette of materials and adding features to the gables of the more prominently positioned dwellings. Overall, the Design Officer considers that the property types are traditional in their appearance and their design. A condition is recommended to secure the final materials to ensure a high quality of design is achieved. A further condition is recommended to secure the final boundary treatment details.

11.22 The proposed dwellings do not exceed two storeys; this height is commensurate to the residential dwellings located to the north of the site. It is clear from the site layout that each dwelling will have its own private amenity space, parking and refuse storage.

11.23 The proposed commercial units will be single storey. They are considered to be simple in terms of their design and visual appearance. In response to the Design Officer's comments the boundary treatment to the north, west and south of these units will be paladin fencing. Palisade fencing will be used to the rear of these units. Albeit, the use of palisade fencing is discouraged, its use in this part of the site is considered acceptable. A further condition is recommended to secure the final boundary treatment details.

11.24 The applicant considers that the submitted landscape proposal seeks to create a high-quality landscape framework that provides an attractive residential setting as well as opportunities for recreation and habitat value. The proposed landscaping includes the retention of existing natural features such as tree groups and hedgerows as well as proposed elements such as native shrub planting, ornamental shrub planting, neutral grassland seeding and native tree planting. The applicant considers that such proposals result in a greater range of flora and fauna species thus enhancing habitat and biodiversity value within the site, as well as creating an attractive residential setting.

11.25 Most of the existing woodland corridors within the site are retained and enhanced through additional native woodland planting, including planting to the north of the access from the B1322. The applicant considers that such enhancements serve to strengthen the habitat value of existing woodland corridors and to improve opportunities for wildlife movement, especially to mitigate the loss of parts of a wildlife corridor that currently runs through the site. Along the northern boundary of the site a landscape buffer treatment is implemented through native shrub and tree planting to soften the built edge boundary as well as to strengthen the existing native hedge that runs along the eastern perimeter of the site.

11.26 Neutral grassland is located across the site, particularly near woodland and within the open space in the centre of the site, to mitigate the loss of existing species-rich grassland and to offer habitat value. The applicant considers this to be a particularly important habitat for key species such as Dingy Skipper

butterfly, and a range of invertebrate and amphibious species that depend on such habitats, as well as to reinforce the landscape elements that contribute to the site's designation as a LWS. This open green space also offers, a village green-like character, with amenity grass which can be used for recreational purposes. The landscape bund in this area encloses the open space from the south. This bund also functions as noise mitigation with associated hedge and fence design, as well as providing habitat value.

11.27 To the north of the central open space, within the north west corner of the site, the residential layout and landscape proposals create a more concentrated form of development with properties positioned around a central courtyard area. Ornamental shrub and tree planting create an attractive residential environment. Native hedgerow and boulevard tree planting to the western edge follow a liner north-south axis to strengthen the formal residential character, as well as providing an element of screening from the existing workshops to the west.

11.28 The layout of the properties within the eastern part of the site area is less dense with properties spread out within small clusters. Areas of open green space surround properties to offer greater opportunities for landscape buffer treatments and habitat value, as well as space for space and recreational amenity.

11.29 SuDS basins, with a network of swales and ditches, within the scheme provide attenuation and local drainage, as well as attractive landscape features. The applicant has advised that these areas also provide the opportunity to introduce aquatic and marginal species to diversify the range of habitat within the site.

11.29 Several footpaths are located throughout the site providing pedestrian and recreational access links to facilitate movement across the site to the wider residential and public right of way (PRoW) network. The applicant has advised that fencing and signage will be implemented to reinforce recreation use and provide protection to more ecologically sensitive areas within the site and adjacent LWS.

11.30 The proposed dwellings comply with policy DM4.9.

11.31 The nearest residential dwellings are located to the north of the application site. The proposed layout demonstrates that the residential amenity of these properties would not be significantly affected in terms of loss of light or privacy. It has to be accepted that any views over the site from these properties would be altered as a result of this development.

11.32 The proposed layout would not result in any significant impacts on the potential future occupants of the adjacent Holywell Engineering site.

11.33 Members need to consider whether the proposed development is acceptable in terms of its design and layout, including its impact on the nearby heritage assets and the wider character and appearance of the Backworth Conservation Area. It is officer advice that the proposed number of units can be comfortably accommodated within the site without significantly impacting on the

nearby heritage assets or adversely impacting on the character and appearance of the conservation area or affecting the residential amenity of existing and future residents. This development is sympathetic, and the design and appearance of the properties is acceptable. As such, subject to the imposition of the suggested conditions, the development is in accordance with the advice in the NPPF, LP policies DM6.1, S6.5 and DM6.6 and the Design Quality SPD.

12.0 Impact upon the amenity future residents, including the impacts on existing businesses

12.1 Paragraph 180 of the NPPF states that planning decisions should 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 amongst other matters; mitigate and reduce to a minimum potential adverse impacts resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

12.2 LP 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.

12.3 LP Policy DM5.19 Pollution states: “Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

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

12.4 LP 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.

12.5 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.

12.6 Members are advised that the previous appeal decision relating to part of this application site was dismissed. The Inspector determined that having windows permanently fixed shut would not provide an acceptable residential living environment for future occupants. Members are advised that fixed shut windows are not being proposed for this development. It is proposed to have

openable windows on this site, but also to provide appropriate ventilation, so future occupants can cool their homes without needing to open their windows.

12.7 The objections received relating to impacts on residential amenity and noise, particularly the objection received from Keenan's, are noted.

12.8 A noise assessment has been submitted. The Manager of Environmental Health has been consulted. It is clear from their comments that they requested a number of points to be addressed by the applicant. The additional information provided by the applicant has been considered by environmental health. It is clear from their comments that the garden area belonging to plot 62 will be subject to levels of up to 52dB (A), as result of the noise arising from Keenan's. This would be border line adverse nuisance for daytime use of the garden area. Members are advised that this is based on worst case assessment of industrial noise over a one-hour period for the BS4142 calculation but the external noise levels with the acoustic screening will meet the World Health Organisation community noise guidance levels. The habitable rooms for plot 62 are designed so that they are on the screened side of the building. Furthermore, there is an area of private amenity space to the north of this bungalow that will afford greater protection from Keenan's.

12.9 Environmental health has confirmed that the properties closest to Keenan's will have noise sensitive facades facing away from this business. Three of the plots (45, 46 and 57) are shown to still have noise sensitive facades facing towards Keenan's but are located slightly further away from Keenan's and may be afforded some partial screening by other plots. The applicant has advised that the dominant noise for these properties is road traffic noise and rail noise from the east, rather than industrial noise from Keenan's.

12.10 Environmental health has advised that mitigation measures have been proposed to minimise potential nuisance and they have acknowledged the objection from Keenan's. The site layout design for those properties closest to Keenan's are designed so that the noise sensitive rooms are located on the screened façade. It is clear from their comments that internal noise levels can be achieved as the noise sensitive windows are on the screened facade.

12.11 Environmental health has advised that the use of a combination of earth bunding and fencing will help to mitigate noise for those properties closest to Keenan's. The applicant has confirmed that all garden areas are below the recommended WHO guidelines of less than 55dB LAeq for external amenity areas.

12.12 Environmental health has advised that the suggested planning conditions for the commercial units (Use Classes B1, B2 and B8) will be required to mitigate any potential impacts.

12.13 Paragraph 182 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. It goes on to state that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

12.14 It is clear from the Local Plan Inspector's Report May 2017 that it was justified in considering a mix of uses on this site. In their report they also considered the impacts of the existing Keenan's vegetable processing plant on bringing this site as a mixed-use site. The Inspector stated:

"The evidence points to the need to avoid housing in close proximity to these premises but I do not consider that it effectively sterilises the entire site from accommodating the relatively modest housing proposed. Looking at the wider site I am not persuaded that a subservient element of housing as part of a wider mix of uses could not be satisfactorily accommodated on the large 8.5ha site. The Council suggested that intervening uses could be successfully used including landscaping and/or compatible employment uses.....I was also advised that no environmental health objection has been received to the principle of a mixed-use approach on the site as part of this Local Plan....."

The extent of the site allocated and the policy framework to enable a modest amount of residential development would provide appropriate flexibility to find a pragmatic and viable solution to this long-standing opportunity site."

12.15 Although there would be more dwellings on the site than initially envisaged by the Inspector, it is clear from the environmental health comments that, subject to the suggested conditions, they have not raised any concerns regarding any unreasonable restrictions being placed on existing businesses and facilities as a result of this development. On balance, it is considered that the number of units proposed can be achieved.

12.16 The NPPF, paragraph 54 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Paragraph 55 states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The NPPF paragraph 180 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". Members are advised that it is clear from the environmental health comments set out in paragraphs 1.67-1.80 of the appendix to this report that appropriate mitigation to reduce the impacts arising from noise can be secured by conditions.

12.17 It is clear from the site layout that each dwelling will have its own private amenity space, parking and refuse storage. Sufficient privacy distances will also be achieved between the proposed dwellings and existing dwellings to the north of the site. As already advised, the proposed development will comply with policy DM4.9.

12.18 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity and whether it could be integrated effectively with existing businesses and that these businesses would not have unreasonable restrictions placed on them as a result of this development. Based on the advice from environmental health, it is considered that the proposed development is acceptable in terms of its impact on the

residential amenity of future impacts and its impact on existing businesses, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development does accord with the advice in paragraph 180 of the NPPF and LP policies DM5.19 and DM6.1.

13.0 Highways

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

13.2 Paragraph 108 of NPPF states that when assessing sites for specific development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and,
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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

13.4 Paragraph 110 of NPPF sets out advice on sustainable transport and connections.

13.5 All developments that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

13.6 Policy S7.3 states that the Council, will support its partners, who seek to provide a comprehensive, integrated, safe, accessible and efficient public transport network, capable of supporting development proposals and future levels of growth.

13.7 LP Policy DM7.4 New Development and Transport states: “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 resident’s health and well-being”. Amongst other matters this includes improving accessibility; being accompanied by the relevant documents; complying with the council’s parking and cycling standards.

13.8 LDD12 Transport and Highways SPD sets out the Council’s adopted parking standards.

13.9 The objections received regarding the impact on the highway network and lack of local services are noted.

13.10 Access to the site is provided off Ecclestone Close, utilising the existing road network and junction at the B1322. Access to the existing workshops on Ecclestone Close will be realigned and will allow for extra parking provision for visitors to the south of the existing workshops.

13.11 Various Public Rights of Way (PRoW) and desire lines run adjacent to or through the site, linking to footpaths in Brierdene Burn and through the village of Backworth to the north. It is clear from the site layout that this site provides numerous connections to the surrounding area.

13.12 The site is located within close proximity to local bus services. Northumberland Park Metro station is located to the south of the site. The site is also within easy access of local shops (Church Road to the north and Northumberland District Park to the south), schools and range of services and facilities.

13.13 A variety of techniques for parking provision have been used to minimise the impact cars in the public realm. Parking provision accords with the council's maximum standards. Cycle storage is provided either in garages or sheds to gardens. Refuse storage is provided within each plot. All refuse collections will be provided from adoptable highways.

13.14 The Highways Network Manager has been consulted. He has recommended conditional approval.

13.15 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network. It is officer advice that subject to conditions the proposal is acceptable. As such, the proposed development accords with the NPPF and the LP.

14.0 Impact on biodiversity, including the Local Wildlife Site (LWS) and wildlife corridor

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 environment.

14.2 Paragraph 170 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

14.3 Paragraph 174 of the NPPF states that when determining planning applications LPA's should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 175 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

14.4 LP Policy S5.4 Biodiversity and Geodiversity states:

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

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

14.5 LP DM5.5 Managing effects on Biodiversity and Geodiversity states:

“All development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate. Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:
- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on-site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

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

14.6 LP Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either along or in-combination with other plans or projects will require an appropriate assessment. Proposals that adversely affect a sites integrity can only proceed where there are no alternatives, imperative reasons of overriding interest area proven and the effects are compensated.

14.7 LP Policy DM5.7 Wildlife Corridors states: "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."

14.8 Natural England has been consulted. The application site falls within the 6km 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest (SSSI) and Special Protection Areas (SPA's)/Special Areas of Conservation (SAC)/Ramsar sites. Since this application will result in a new increase in recreational accommodation, impacts to the designated sites may result from increased recreational disturbance.

14.9 This development will need to comply with the Coastal Mitigation SPD which provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Natural England are satisfied that, subject to the coastal mitigation contribution being secured, there will be no damage or disturbance to the coastal areas.

14.10 The objections received regarding the impacts on biodiversity and protected sites are noted.

14.11 Members are advised that the site is designated as a wildlife corridor and part of the site is designated as a Local Wildlife Site (LWS). The site links to the remaining part of the Eccles Colliery LWS along its southern and eastern boundary. It is important to note that the site is also designated as a mixed-use site within the Local Plan (2017). Members are advised that prior to the adoption of the Local Plan (2017), this site was designated as an employment site in the former Unitary Development Plan (UDP) 2002. During the UDP the site was designated as a LWS in 2007. Notwithstanding, the sites designation as a LWS and a wildlife corridor, the council has accepted, that this land (under its current allocation under the LP and its previous allocation under the UDP) is also designated for future development.

14.12 The previous planning application was refused on the grounds of the impact on the amenity of future occupants, it was not refused on the grounds of biodiversity. Members are advised that this application would result in the loss of a similar amount of the LWS as this previously dismissed planning application. The Inspectors comments from the previous appeal decision regarding biodiversity are set out below.

14.13 Paragraph 25 of Inspector's report states:

"Turning to biodiversity, the proposals would see the loss of a part of the Eccles Grassland Local Wildlife Site (LWS), which was designated for its species rich grassland. However, in the basis of the evidence and recent surveys it would seem that the previous value of the grassland as habitat has significantly diminished to the extent that it would no longer meet the designation criteria. Nevertheless, the appellant has proposed off-site mitigation in the form of an alternative site as an enhancement to replace the loss of existing habitat. Whilst

the surveys did not reveal any protected species which would be directly affected by the development, I note that the proposed development would incorporate measures to enhance the biodiversity value of the site.”

14.14 The applicant has identified several potential impacts, recommendations and mitigation measures within their supporting information:

-Impacts on statutory designated sites (The Northumbria Coast Special Protection Area (SPA) and Northumbria Coast Ramsar site) approximately 5.4km to the east of the site. A small increase in recreational use of the coastal areas may occur as a result of this development. Applicant considers this impact could be offset by the use other sites within the vicinity. Direct impacts to the Holywell Site of Special Scientific Interest (SSSI) are considered to be negligible due to the distance of the designated site from the application site (approximately 3.4km) and the accessibility of the designated site.

-Habitat loss will occur to accommodate this development. This will take place during the construction phase of the development with no further habitat loss expected during the occupation phase. Without mitigation there would be a net loss of habitats. Onsite and offsite mitigation is proposed to mitigate this loss. The majority of woodland habitats will be retained with a loss of a small area of woodland along the northern boundary.

-Badgers: No signs of badger were noted during the walkover survey and therefore no impacts on badger are anticipated as a result of the proposed development.

-Bats: During the construction phase some localised impacts on bat foraging habitat may occur as a result of the loss of small sections of woodland to accommodate the proposed development. During the occupation of the site there may be an increase in on-site lighting during the spring, summer and autumn periods, which is when bats are more active (bats are likely to be hibernating over the winter period). Increased lighting has the potential to disrupt bat movement and foraging activity, in particular along the woodland near the northern site boundary. The majority of the woodland and hedgerows around the site boundaries are to be retained; however, so as not to compromise their value to foraging and commuting bat species, lighting must be designed sympathetically in accordance with guidance published by the Bat Conservation Trust & Institute of Lighting Engineers (2009). It is therefore recommended that lighting in the vicinity of any retained habitats and the new landscaped habitats within the site should be designed to minimise light spillage on sensitive habitats. A total of 4 bat boxes should be recommended.

-Breeding birds: A total of 10 nest boxes suitable for use by a range of passerine species should be erected within retained woodland around the site boundary. All vegetation clearance should ideally be carried out of the breeding seasons for birds i.e. April to August. This should minimise the risk of disturbance to or harming of nesting birds. If it is necessary to carry out vegetation clearance during the bird breeding season advice should be sought from a suitably qualified ecologist before work commences. This will usually involve a walkover survey to check to see if nesting birds are present in the area where work is scheduled to take place. If nesting birds are found to be present, then it is likely that the nest will have to be protected from damage or disturbance until the adults and young have left. This will be achieved by marking out a protection zone around the nest site, the size of the zone being dependent on various factors, such as the density of the vegetation and the species of bird present.

14.15 Since the original submission of this application, the applicant has provided the following additional information to try and overcome both the Council's Biodiversity Officer and Landscape Architect objections:

- Dingy Skipper Habitat Area
- Landscape proposals plan
- Compensation Site Ecology Report
- Landscape and Ecological Management Plan
- Butterfly Survey

14.16 The Council's Biodiversity Officer has been consulted. Her previous comments outlined the issues with the proposed scheme and set out the reasons why the scheme was not acceptable including the loss of part of a LWS, its failure to meet LP policies and the principles of NPPF. Albeit, additional information has been submitted to support the application, she considers that the scheme remains unchanged and continues to impact a designated LWS resulting in the partial loss of the site as well as impacts on the remaining part of the LWS directly adjacent. She also considers that the development will impact on the wildlife corridor as result of the loss of the LWS and severance of the corridor. She has objected to this development, as in her opinion, it is contrary to policies S5.4, DM5.5, DM5.7 and the advice in paragraphs in 170, 174 and 175 of the NPPF. Her comments are set out in full in the Appendix to this report (paragraphs 1.1-1.37).

14.17 The Biodiversity Officer has advised that a large part of the existing Eccles Colliery LWS will be lost to provide housing as part of this development and the remaining part of the LWS will be impacted by the proximity of the housing scheme directly adjacent (noise and lighting impacts) as well as ongoing recreational impacts (dog walking etc) from residents. The scheme will also sever the wildlife corridor with associated impacts on wildlife dispersal and connectivity. She considers that the importance of the wildlife corridor is demonstrated by the presence of the Dingy Skipper butterfly on site which is a UK Priority Species listed on S41 of the NERC Act (2006).

14.18 Members are advised that the size of part of the LWS to be lost is of a similar size to the area proposed to be lost in 2012. Despite the previous appeal being dismissed, the loss of this part of the LWS was accepted. Members are also advised that the wider wildlife corridor to the west of the site is severed from the application site by a road, a stone wall that encloses part of the Backworth golf course and the existing housing to the north of the site. The most north eastern boundary of the application site will remain linked to the wildlife corridor located to the east of the site.

14.19 The applicant has advised that the mixed-use development seeks to provide a high-quality landscape framework that provides an attractive residential setting as well as opportunities for recreation whilst retaining existing wildlife corridors across the site and enhancing landscape buffers to the adjacent LWS. The overall site layout, including landscaping, has been discussed in greater detail in Section 10 of this report.

14.20 This development seeks to retain current pedestrian access links to facilitate movement across the site to the wider residential area and Public Right of Way (PRoW) network. The applicant has advised that the retention of existing access links is also accompanied by the provision of appropriate signage and facilities to ensure the public are aware of the importance of the site as a LWS and understand how to use the site with minimal impact on the LWS. Members are advised that the application site and LWS are already publicly accessible.

14.21 The submitted landscape proposals include the retention of most of the existing landscape features such as tree groups and hedgerows, as outlined in the submitted Arboricultural Impact Assessment (AIA), as well as proposing additional woodland, native shrub, hedgerows, specimen trees and neutral grassland. Three areas for SuDS basins also provide the opportunity to introduce aquatic and marginal species to diversify the range of habitats found within the site. On-site mitigation of neutral grassland loss is achieved through proposed neutral grassland seeding throughout the proposed scheme. Off-site mitigation is also proposed via an additional area of neutral grassland seeding on a site north of Backworth to compensate for its loss within the proposed development site.

14.22 Street trees, formal hedgerows of evergreen/semi-green species and ornamental shrub planting will create an attractive street scene and provide visual interest for new residents. Open space at the heart of the site will create an area of recreational value whilst the remainder of the proposed open space will enhance the existing green corridors through the site and enhance the site's biodiversity value. Although some habitat loss will be apparent as a result of the development the applicant has advised that their landscape proposals look to provide links across the site to retain the habitat corridors for species such as mammals (including bats), birds and invertebrates. The applicant has also advised that the areas of habitat creation specifically for dingy skipper butterfly link to potential habitats within the adjacent LWS, therefore should the species subsequently colonise adjacent areas there is potential for populations to expand into the development site.

14.23 The Biodiversity Officer has advised that there is no evidence to demonstrate how the benefits of housing in this particular location clearly and demonstrably outweigh the direct and indirect impacts on the LWS, the wildlife corridor and a UK Priority Species. She goes on to state in her comments that: "This site was designated as a LWS in 2007 and therefore its designation pre-dates the housing allocation by 10 years. LWS are designated for wildlife and should be adequately protected by the LP policy and the NPPF and housing should be allocated on appropriate sites which do not result in damaging environmental impacts". As already set out in paragraph 14.11 this site has always been designated for development, the UDP adopted in 2002 allocated the site for employment use. Therefore, historically the site was allocated for development prior to it being designated as a LWS. Despite being a designated LWS the council has to accept that it is also designated as a mixed-use site, and that there are aspirations for development to take place on this site, subject to an appropriate scheme being delivered.

14.24 By designating this land for mixed-use, as well as LWS, the council has to accept some harm to biodiversity, including the LWS, and balance this against its

obligation to deliver housing to meet its identified housing targets. As per the requirements of NPPF, an application should be refused if the development cannot be adequately mitigated, or as a last resort, compensated for. Members are advised that the applicant has sought to mitigate the harm to biodiversity through on and off-site mitigation, which is recognised as an option by the NPPF.

14.25 The Biodiversity Officer has advised that insufficient information has been submitted regarding the off-site compensation land. She considers that there is a possibility that the loss of the LWS could not be adequately mitigated and that little evidence has been provided to demonstrate that the site could be successfully converted from arable land to species rich brownfield grassland site of a similar type and quality to that being lost.

14.26 The applicant acknowledges that the proposed development will impact on land that has ecological interest, with part of the site being designated as a LWS for the habitats and vegetation that are present. The applicant's position is clear, it is not possible to fully mitigate the ecological impacts of the development within the site, it will be necessary to provide compensation on land outside of the site. This approach is recognised by the NPPF.

14.27 The applicant has sought to address initial comments raised by the Council's Biodiversity Officer by providing additional requested surveys and increasing the size of the off-site mitigation to mitigate for the area of LWS and grassland habitat being lost to facilitate the development. The objective of the off-site grassland creation is to convert arable farmland (currently under grass ley) into good semi-improved grassland that is similar in character to the grassland habitat that was present within the site at the time it was designated a LWS. The applicant has advised that the habitat creation will be carried out with reference to published guidance. The area of land identified for the habitat creation extends to approximately 5ha; this excludes the triangular shaped area of unmanaged land that is present on the southern side of the site. The Council's Biodiversity Officer has previously advised that the area of semi-improved grassland/scrub mosaic to the south east of the compensation site should be excluded as this area has its own ecological value. Consequently, this area is not included in the compensation habitat creation proposals. As per, the previously dismissed appeal, it is considered reasonable to secure the off-site mitigation (the area of land or such other area of land) to be used for the creation of a species-rich grassland to compensate for the loss of the grassland on the site, to be secured as part of the S106 Agreement. It is acknowledged that the applicant has provided details of habitat creation, management and monitoring of the compensation site. It is considered that, should planning permission be granted, that a clause is added to the S106 Agreement to secure a scheme to be submitted to the council setting out the works of construction to create the off-site mitigation, together with a scheme for its subsequent maintenance.

14.28 Members need to consider whether the off-site mitigation recommendations could be delivered and secured through a management plan that forms part of the S106 Agreement.

14.29 The Biodiversity Officer has advised that the Dingy Skipper report provides no information on the transect route or a map showing the locations of butterflies

found within the site. The proposed mitigation includes areas of wildflower grassland (already designed into the scheme to address species rich grassland loss). She has advised that these areas are proposed mainly in open landscaped areas which provide open space for residents (with the exception of the eastern boundary). In her opinion, these areas will therefore be subject to high levels of disturbance, reducing their value to dingy skipper. She has also advised that no details of specific brownfield habitat creation for dingy skipper butterfly has been submitted (e.g. appropriate substrates, bare ground and target foodplants).

14.30 The submitted Butterfly Survey Report advises that a small population of dingy skipper butterfly has been recorded within the site (along the northern boundary), with two specimens being recorded on one occasion. This survey indicates that bird's-foot trefoil, which is the larval food plant of dingy skipper, is present within the site; however, it has a patchy distribution and has limited abundance: analysis of data from 2017 shows that bird's-foot trefoil was only recorded in 6 of 30 quadrats surveyed and generally at quite a low domain score; the areas were quite widely spread across the site. More extensive stands of this plant are present outside of the site to the south and south-east, within the adjacent LWS.

14.31 Within the supporting information submitted by the applicant, they have advised that data requests undertaken by their appointed ecologist show that there have been two records of the dingy skipper butterfly within 2km of the site since 2010. The location of these records is separated from the application site by the A186, as it was at the time of the surveys in 2010. Since, then there have been no further records of the dingy skipper butterfly within 2km of the site. It is therefore considered that the small population of dingy skipper that has been recorded reflects the habitat conditions within the site (i.e. limited availability of bird's-foot trefoil) and habitat connectivity with the nearest potential 'donor' population. The applicant's ecologist has advised that the proposed development will result in the loss of the existing grassland habitat including areas that support bird's-foot trefoil, which is the larval food plant of the dingy skipper butterfly. In the absence of mitigation and compensation, it is likely that this will result in the loss of the small dingy skipper population. Within the supporting information site plans show the location of the proposed dingy skipper mitigation, including an area of land within the eastern landscape buffer (planted to be not accessible to the public), to the east of plots 24-29, to the south of the noise bund, to the east of plots 65 and 66 and to the south of plot 57. The applicant has advised that this will be delivered by the planting of neutral grassland throughout the site, to create a mosaic herb-rich vegetation (with a high component of Bird's-foot trefoil) and bare ground for the dingy skipper. Stripping areas of existing herbaceous top-soils for re-use within the proposed scheme will further reinforce the provision of the habitat for the dingy skipper. The main dingy skipper habitat is focused primarily to the south-facing aspect of the proposed bunds within the centre of the site, as well as the corridor of neutral grassland to the eastern site boundary. Habitat areas form links both north-south and east-west across the site. It is officer advice, that the final details of the dingy skipper habitat to be provided on site could be controlled through and appropriately worded condition.

14.32 The surveys carried out by the applicant's appointed ecologist, indicate there are no signs of other protected species on site and that the site offers limited opportunities for bats and breeding birds.

14.33 With regards to pressure on the adjacent LWS, Members must consider that this is already public accessible by the existing PRow network. It is acknowledged that this development may result in an increase in usage however the layout has been designed to utilise existing links. This approach should encourage users to use the formal routes rather than encourage them to create their own informal routes over the proposed open spaces which are to be used for biodiversity purposes. The use of planting will also discourage users from using the open spaces proposed for biodiversity i.e. the open space to the eastern part of the site.

14.34 As with other approved residential schemes, it is considered that adverse impacts from lighting could be conditioned.

14.35 LP DM5.9 Trees, Woodland and Hedgerows states: "Where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the borough, and:

- Protect and manage existing woodland, trees, hedgerows and landscape features.
- Secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.
- Promote and encourage new woodland, tree and hedgerow planting schemes.
- In all cases preference should be towards native species of local provenance.

Planting schemes included with new development must be accompanied by an appropriate Management Plan agreed with the LPA."

14.36 The Council's Landscape Architect objects to this application. She has advised that the site is an established landscape that supports biodiversity and ecosystems which are an essential component of a wider framework that is needed for environmental sustainability. She has advised that a large part of the LWS will be lost under this application. The remaining part of the LWS will become very much reduced in size, fragmented by urbanisation, with habitats and ecosystems that can be damaged by public access. She has further advised that this scheme will result in the loss of a large area of habitat within the wildlife corridor that will result in the severance of established ecosystems and impact on wildlife dispersal and connectivity.

14.37 In terms of the landscape, the Council's Landscape Architect has advised that the existing landscape features including trees, hedgerows, grasslands and ponds make an important contribution to the character and biodiversity of the areas and it is essential that new development does not lead to the loss of, or pose a future threat to, such features. In her opinion, the LWS and associated grasslands is a landscape that exists already and therefore has value in its own right. The loss of a landscape which has value, results in a change to the landscape quality and can be seen as a 'disturbance' in the intactness of the landscape and its overall condition. The loss of part of a wildlife site and the

visual and ecological changes that will be experienced is not something that can be easily replaced and consequently the proposed scheme is unlikely to achieve a sustainable and resilient environment. Changes could be introduced that could lead to a decline in its function as a wildlife site such as access, noise, and light pollution can alter the character of the landscape on a permanent basis. The impacts on a LWS and disturbance within a wildlife corridor is significant resulting in irreversible change and the LP policies need to be used to protect and enhance the quality, character and amenity value of land within urban areas. Her position is that the scheme as presented is not in accordance with the Council's policies as set out in detail by the Biodiversity Officer (Appendix to this report, paragraphs 1.38-1.45).

14.38 The site layout and proposed landscaping has already been discussed in detail in Section 10 of this report.

14.39 With regard to the existing trees on the site, they have been evaluated in accordance with British Standard 5837-2012 Trees in relation to design, demolition and construction, with regard to their quality and value. Whilst there is currently no TPO's protecting the trees on the site and the majority of the site is not located within a conservation area, the collective tree, shrub groups and grassland defines the land as LWS and wildlife corridor.

14.40 The site has been planted in part with perimeter shelterbelts of fast-growing species which include poplars, willows, alders and hawthorn. The planting density is high with a high degree of natural regeneration extending beyond the planted areas. The applicant's arboriculturalist has highlighted that due to the planting density, the groups are starting to self-thin with suppressed individuals starting to die principally towards the middle of the groups.

14.41 It will be necessary to remove some of the existing trees (Trees 2-5, Group 6, parts of groups 1, 7 and 22) to facilitate the proposed development and to establish a higher level of arboricultural management for the site. Their removal is required to facilitate the construction of the new buildings and associated infrastructure. Of the 4no. trees shown for removal, 1no. are category B trees, and 3 are category C trees as defined in the British standard. Part of groups 1 and 7 are category B, with the remainder categorised as C. No trees have been identified as U, requiring immediate removal. The impact assessment has confirmed that groups 2 and 22 will require tree protection and a modified area of special construction within the root protection area (RPA). On balance, the loss of these trees is considered to be acceptable, subject to a condition securing a detailed landscaping scheme which must include replacement trees.

14.42 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity, including the loss of part of the LWS and the wildlife corridor, and landscaping. It is officer advice, subject to conditions and securing the off-site mitigation via S106 Agreement, that this development will avoid harm to biodiversity in accordance with the advice in NPPF and LP policies S5.4, DM5.5, DM5.6, DM5.7 and DM5.9.

15.0 Other issues

15.1 Flooding

15.2 Paragraph 157 of the NPPF advises that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

15.3 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.

15.4 LP 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.

15.5 LP 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 LP 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 objections received regarding inappropriate drainage and flood risk area noted.

15.8 A Flood Risk Assessment (FRA) has been submitted to accompany this planning application. This assessment has been considered by the Lead Local Flood Authority (LLFA) and Northumbrian Water.

15.9 The FRA advises that the application site is located within Flood Zone 1 (lowest risk) with a medium to high risk of pluvial flooding in certain places. The site generally slopes from west to east; however, topography is variable across the site. A small watercourse, the Brierdene Burn, is located to the east of the site, flowing from south to north. There is an additional drainage ditch which runs along the southern boundary of the site and flows into the Brierdene Burn at the south east corner of the site.

15.10 The FRA advises that surface water drainage would be managed on site through the provision of three attenuation ponds, a cellular storage tank and all private driveways/ parking areas to be permeably paved. These measures would provide surface water storage within the site for up to a 1 in 100-year rainfall

event. The scheme would also include swales to provide additional storage and would convey surface water through the south east part of the site. The attenuated surface water would then discharge into the Brierdene Burn at one location at a restricted rate of 21.8 litres per second. In addition, the proposals highlight that properties will be constructed at a finished floor level of 52.5m AOD in order to provide additional floor protection in the event of a culvert blockage.

15.11 The LLFA has confirmed that they have no objections to this development, subject to the imposition of the suggested conditions set out in the appendix to this report (paragraphs 1.54-1.56).

15.12 Northumbrian Water (NWL) has been consulted. NWL has recommended conditional approval.

15.13 Members need to consider whether the proposal is acceptable in terms of its impact on flooding. It is officer advice that subject to conditions it is acceptable.

15.14 Ground conditions

15.15 Paragraph 178 of the NPPF states 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 i.e. mining or land remediation. Paragraph 179 of the NPPF goes on to say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner. In addition, NPPG makes it clear that planning applications in the defined Coal Mining High Risk Area must be accompanied by a Coal Mining Risk Assessment.

15.16 LP Policy DM5.18 Contaminated and Unstable Land states “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

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

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

15.17 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance

(2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

15.18 The applicant has submitted a Phase 2 Site Investigation Report. This report has been assessed by the Contaminated Land Officer. She has recommended conditional approval.

15.19 The Coal Authority has been consulted. They have advised that, based on the information contained in the Geo-Environmental Study Report (22 February 2018), the content of which confirmed the site to be safe and stable from a mining viewpoint. This was further reinforced in the proposed layout, which had been designed around the recorded mine entries, of which have been treated.

15.20 The Coal Authority now notes the submitted Geo-Environmental Appraisal (July 2019), confirms potential risks posed by mine gas within 50m of the historical shafts and that gas protection measures will be required. It is clear from their comments that The Coal Authority agrees with the applicant's consultants approach to gas protection measures, subject to these protection measures being installed by an approved contractor and verified following installation. Subject to the imposition of this condition, they have not raised any objections.

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

15.22 Members need to consider whether the site is appropriate for its proposed use. It is officer advice, subject to conditions that the site would be appropriate for housing and mixed uses in accordance with the advice in NPPF and Policy DM5.18 of the LP.

15.23 Archaeology

15.24 Paragraph 199 of the NPPF states "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

15.25 LP DM6.7 Archaeological Heritage seeks to protect, enhance and promote the borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

15.26 The Tyne and Wear Archaeology Officer has been consulted. She has advised the site is covered by two archaeological desk-based assessments. One for the east part of the site and one for the west part of the site. These assessments have not been submitted with this application. However, she has confirmed that the site is of industrial archaeological interest. It is clear from her comments that conditional approval is recommended.

15.27 Aviation Safety

15.28 Newcastle International Airport Limited (NIAL) has been consulted. They have recommended conditional approval.

16.0 S106 Contributions

16.1 Paragraph 54 of NPPF states that 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.

16.2 Paragraph 56 of NPPF states that planning obligations must only be sought where they meet all of the following tests;

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

16.3 LP S7.1 General Infrastructure and Funding states “The Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

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

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

Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and,
- b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable.

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

16.4 LP Policy DM4.7 states that the Council will seek 25% of new homes to be affordable on new housing development of 11 or more dwellings, taking into consideration specific site circumstances and economic viability.

16.5 LP Policy DM7.2 states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application’s overall conformity with the presumption in favour of sustainable development.

16.6 LP Policy DM7.5 'Employment and Skills' seeks applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training.

16.7 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with applicants to identify appropriate solutions where matters of viability arise and require negotiation.

16.8 The applicant has submitted a viability appraisal which has been independently assessed and discussed with IPB. It has been resolved to provide 12no. affordable units and no other S106 contributions.

16.9 The affordable housing provision is considered necessary, directly related to the development. As such, the development complies with the CIL Regulations, the NPPF and LP policies.

16.10 A CIL payment will be required in respect of this development.

17.0 Local Financial Considerations

17.1 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).

17.2 The proposal involves the creation of 67no. 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 and jobs created during the construction period.

17.3 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.

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

17.5 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.

18.0 Conclusions

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

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

18.3 The application site lies in close proximity to an existing built up area and it is located in close proximity to existing local services. Members need to consider the objections received from the Council's Biodiversity Officer and the Landscape Architect regarding the loss of part of a LWS and its impact on the wildlife corridor against bringing this site forward for a mixed-use development. Other consultees are satisfied that the development is acceptable in terms of its impact on the highway network, its impact on flood risk, its impact on ground conditions, its impact on the nearby heritage assets and conservation area, the impact on the amenity of future occupants, the impact on existing businesses and its overall design and appearance.

18.4 On balance, approval is recommended, subject to conditions and securing off-site mitigation, coastal mitigation and affordable housing provision through a S106 Agreement.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate they are minded to approve the application and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application subject to:

- a) the conditions set out below and the amendment to, addition or omission of any other condition considered necessary;**
- b) the applicant entering into a legal agreement to secure the following:**
 - a contribution of £22,759.00 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area;**
 - 12 no. affordable units; and,**
 - an area of off-site ecology mitigation.**

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

Alterations to existing access

New access

Upgrade to footpath abutting the site

Provision of traffic calming to 20mph in the vicinity of the site on Station Road

Provision of suitable pedestrian crossing point on Station Road

Associated highway drainage
Associated street lighting
Associated road markings
Associated signage
Associate legal orders

Conditions/Reasons

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

- Site location plan LP-01
- Existing layout Dwg No. EX-01
- Proposed site layout Dwg No. SL-01S
- External finishes Dwg No. EF-01D
- Housetype booklet (June 2019):
 - HT B2 CAT 3 NDSS - Plans and elevations Dwg No. B2-01
 - Housetype NB Dwg No. HTNB-01
 - HT 2B4P CAT 2 NDSS - Plans and elevations Dwg No. 2B4P-02
 - HT 2B4P NDSS - Plans and elevations Dwg No. 2B4P-01
 - HT 2B4P CAT 2 NDSS Plans and elevations Dwg No. 2B4P-03
 - HT 3B5P CAT 2 NDSS Plans and elevations Dwg No. 3B5P-01
 - HT 3B5P WF NDSS Plans and elevations Dwg No. 3B5P-05
 - HT 3B5P CT NDSS Plans and elevations Dwg No. 3B5P-02
 - HT 3B5P V2 NDSS Plans and elevations Dwg No. 3B5P-03
 - HT3B5P CAT 2 NDSS Plans and elevations Dwg No. 3B5-04
 - Housetype L elevations Dwg No. HTL -01
 - Housetype L plan Dwg No. HTL-02
 - Housetype M elevations Dwg No. HTM-01
 - Housetype M plans Dwg No. HTM-02
 - Housetype P elevation Dwg No. HTP-01
 - Housetype P plan Dwg No. HTP-02
 - Single garage plan and elevation Dwg No. SG-01
 - Double garage plan and elevation Dwg No. DG-01
 - Bin store plan and elevation Dwg No. BS-01
 - Cycle store plan and elevation Dwg No. CS-01
- Commercial unit 1-14 floor plan and elevation Dwg No. CU-02A
- Sub station plan and elevation Dwg No. SBS-01

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

3. Prior to the commencement of any residential dwelling above damp proof course level the following details and a timescale for their implementation must be submitted to and approved in writing by the Local

- Planning Authority:
- Alterations to existing access

New access
Upgrade of footpath abutting the site
Provision of traffic calming to 20mph in the vicinity of the site on Station Road
Provision of suitable pedestrian crossing point on Station Road
Associated highway drainage
Associated street lighting
Associated road markings
Associated signage
Associate legal orders

Thereafter, these agreed works shall be carried out in accordance with the agreed timescales and retained thereafter.

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

4. No part of the development hereby approved 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 DM6.1 of the North Tyneside Local Plan (2017).

5. No part of the development hereby approved shall be occupied until the means of access has been altered 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).

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

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

7. No part of the development shall be occupied until an area has been laid out within the site for refuse vehicles to turn in accordance with the approved drawing and that area shall not thereafter be used for any other purpose.

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

8. 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 policies DM6.1 and DM7.4 of the North Tyneside Local Plan (2017).

9. Notwithstanding Condition 1, prior to the commencement of any part of the residential development hereby approved above damp proof course level details of facilities to be provided for the storage of refuse, recycling and garden waste at each residential dwelling shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins for all waste types shall be provided in accordance with the approved details, prior to the occupation of each residential dwelling and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM6.1 of North Tyneside Local Plan (2017).

10. Notwithstanding Condition 1, prior to the commencement of any part of the commercial development hereby approved above damp proof course level details of facilities to be provided for the storage of refuse, including recycling and any other waste at each commercial unit shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these facilities shall be provided in accordance with the approved details, prior to the occupation of each commercial unit and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM6.1 of North Tyneside Local Plan (2017).

11. 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.

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.

12. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent

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

Reason: This information is required pre development to ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

13. No part of the development shall be occupied until a scheme to manage refuse collection has been 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 retained thereafter.

Reason: In the interests of highway safety having regard to policies DM6.1 and DM7.9 of the North Tyneside Council Local Plan (2017).

14. No part of the development shall be occupied until a scheme to manage parking has been 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 retained thereafter.

Reason: In the interests of highway safety having regard to policies DM6.1 and DM7.4 of the North Tyneside Council Local Plan (2017).

15. No part of the development shall be occupied until a scheme for the provision of secure undercover cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

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

16. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved a detailed drainage design shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details which shall be permanently retained and maintained.

Reason: This information is required from the outset to ensure that appropriate drainage can be accommodated on-site to prevent flood risk having regard to the NPPF.

17. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved details of the pollution control measures to prevent contamination of local watercourses during the construction period shall be submitted to and approved in writing by the Local Planning Authority. These agreed details shall be installed prior to the commencement of any development on-site and shall only be removed following written agreement from the LLFA.

Reason: This information is required from the outset to prevent contaminants entering adjacent/nearby watercourses having regard to Policy DM5.7 of the North Tyneside Local Plan (2017).

18. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved details on the future maintenance regime of permeable paving to be included within the SUDS maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details which shall be permanently retained and maintained.

Reason: This information is required from the outset to ensure the viability of the surface water attenuation is maintained in perpetuity having regard to the NPPF.

19. Notwithstanding Condition 1, the development hereby approved shall not be constructed above damp proof course level until the existing damaged culvert located to the south east of the proposed development shall be repaired or the culvert removed and the drainage ditch re-established.

Thereafter, the development hereby approved shall be carried out in accordance with the agreed details.

Reason: This information is required from the outset to prevent any flood risk to the development having regard to the NPPF.

20. Prior to the construction of any sustainable drainage features within the application site a SuDS management contractor shall be appointed and the contact details providing in writing to the Local Planning Authority.

Thereafter, the development hereby approved shall be carried out in accordance with the agreed details.

Reason: To ensure sustainable drainage features are managed to prevent any flood risk to the development having regard to the NPPF.

21. Notwithstanding Condition 1, the development hereby approved shall not be constructed above damp proof course level until the landowners Riparian ownership duties have been undertaken on the Brierdene Burn. This shall include re-establishing the profile of the Brierdene Burn watercourse and the removal of all obstructions from watercourse in order to allow the free passage of water. Particularity the section of watercourse located between Railway culvert and the blocked culvert (X: 430624, Y: 571803). Thereafter, the development hereby approved shall be carried out in accordance with the agreed details.

Reason: This information is required from the outset to prevent any flood risk to the development having regard to the NPPF.

22. 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 having regard

to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

23. No other part of the development shall be commenced until:-
- a) A detailed site investigation has been carried out to establish:
 - i) If the site is contaminated;
 - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
 - iii) To determine the potential for the pollution of the water environment by contaminants and;
 - iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

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

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

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

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

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

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

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

24. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

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

25. There shall be no demolition activity or vehicle movements to, from or within the site outside the hours of 0800-1800 Monday to Friday, 0800-1400 Saturday with no working on Sundays or Bank Holidays.

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

26. Prior to the occupation of any residential dwelling hereby approved, a noise scheme for acoustic glazing scheme in accordance to noise report no. NT12879 shall be submitted to and approved in writing by the Local Planning Authority. 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. Thereafter, these agreed details shall be installed prior to the occupation of each residential dwelling and shall be permanently retained and maintained.

Reason: To ensure appropriate mitigation is provided to safeguard the amenity of future occupants having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

27. Prior to the occupation of any residential dwelling hereby approved, a ventilation scheme for all habitable rooms to ensure an appropriate standard of ventilation, with windows closed, is provided shall be submitted to and approved in writing by the Local Planning Authority. 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.

Thereafter, these agreed details shall be installed prior to the occupation of each residential dwelling and shall be permanently retained and maintained.

Reason: To ensure appropriate mitigation is provided to safeguard the amenity of future occupants having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

28. Prior to the commencement of any part of the development hereby approved above damp proof course level details of the 2.8m high acoustic screening (fence and earth bund), running parallel to Ecclestone Close to be provided to screen industrial noise from Keenans, shall be submitted to and approved in writing by the Local Planning Authority. This agreed acoustic screening shall be installed prior to the occupation of any residential dwelling hereby approved. Thereafter, the acoustic screening shall be permanently retained and maintained.

Reason: To ensure appropriate mitigation is provided to safeguard the amenity of future occupants having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

29. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved damp proof course level 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 Planning Authority. These details shall include 1.8m high acoustic fencing to be provided on the site, to screen noise from the industrial workshops, road and rail noise in accordance to figure 2, drawing reference NT12879/002 of noise report NT12879. These agreed details shall be implemented prior to the occupation of any residential dwelling and any part of the commercial development. Thereafter, these agreed details shall be permanently retained and maintained.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

30. The commercial units hereby approved shall only be operational between the hours of 07:00 and 20:00 hours Monday to Saturday and 09:00 to 17:00 hours on Sundays and Bank Holidays.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

31. Deliveries and collections to the commercial units hereby approved shall only take place between the times of 07:00 and 18:00 hours; Monday to Saturday and 09:00 to 17:00 hours on Sundays and Bank Holidays.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

32. Prior to the installation of external plant and equipment to any of the commercial units hereby approved a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the noise rating level from the proposed combined plant and equipment to ensure that the background noise level of 46 dB LA90 T for Daytime and 31 dB LA90 T for night time at nearest façade of residential properties is not exceeded by any more than 5 dB, as detailed in noise report reference NT12879. Thereafter, the development hereby approved shall be carried out in accordance with these agreed details which shall be permanently retained and maintained.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

33. Within one month of the installation of the plant and equipment acoustic testing shall be undertaken to verify compliance with Condition 32. These testing shall be submitted to and approved in writing by the Local Planning Authority prior to the operation of the plant.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

34. Noise No Tannoys Externally Audible NOI002 *

35. All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the plant and machinery shall not be used until the approved soundproofing has been implemented and shall be permanently retained and maintained.

Reason: To protect the occupants of nearby residential properties from noise and disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

36. Prior to the commencement of any part of the commercial units built above damp proof course level details of the height, position, design and materials of any chimney or extraction vent to be provided shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

37. Prior to the commencement of any part of the commercial units built above damp proof course level details of the air ventilation systems shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details which shall be installed prior to occupation and permanently retained and maintained.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

38. Prior to the commencement of any part of the commercial units built above damp proof course level details of any refrigeration plant to be installed in connection with the unit shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details which shall be installed prior to occupation and permanently retained and maintained.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

39. Prior to the commencement of any part of the commercial units built above damp proof course level details of any odour suppression system, if required, to be installed in connection with the unit shall be submitted to and approved in

writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details which shall be installed prior to occupation and permanently retained and maintained.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

40. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme, that must be designed to minimise light spill to wildlife habitats within the site or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of protecting residential amenity and protecting sensitive habitats within or adjacent to the site having regard to policy DM5.7 and DM5.19 of the North Tyneside Local Plan (2017).

41. No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

42. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 41 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

43. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Local Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

44. 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.

45. Prior to the use of any crane on site, a crane method statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall, at least, include the following:

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid;

- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD (see Note below);

- The type of crane/equipment (e.g. Tower Crane, Mobile Crane, etc.);

- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;

- intended dates and times of operation;

- Applicant's name and contact details;

- Proposed obstacle lighting to be installed.

The use of any crane above 40m in height will penetrate the Airport's 'approach and take-off protected obstacles limitation surface' and will require an operator's licence and the issuing of a notice to airmen for the duration of the construction period. It will also need to be fit with medium intensity lighting. If a crane or other construction equipment is required below 50m in height it is requested that the jib is only in the raised position during use, the Airport's air traffic control service is informed before use, shall be fit with low intensity lighting, and work should cease during poor visibility and cloud ceilings. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

46. All street lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead.

Reason: In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

47. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved a birdstrike risk assessment shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport Limited (NIAL). Thereafter, the proposed development shall only be carried out in accordance with these agreed details.

Reason: In the interest of the safe operation of Newcastle International Airport Limited.

48. Prior to the commencement of any development hereby approved detailed plans of the wetland areas/Sustainable Urban Drainage System (SUDs) must be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport Limited (NIAL). The plan should detail the size, depths, profiles and planting designs of the ponds. Thereafter, the wetlands/SUDs shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset in the interests of aviation safety and to safeguard important habitats and species of nature conservation value having regard to the NPPF and policy DM5.7 of the North Tyneside Local Plan (2017).

49. Notwithstanding Condition 1, prior to the commencement of any construction works on the site details showing the existing and proposed ground levels and levels of thresholds and floor levels of the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This information is required to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements and protecting existing landscape features having regard to the NPPF and policy DM6.1 of the North Tyneside Local Plan (2017).

50. Notwithstanding Condition 1, the proposed dwellings must comply with the housing standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017).

Reason: To ensure appropriate living conditions for future occupiers are provided in accordance with Policy DM4.9 of the North Tyneside Local Plan (2017).

51. Notwithstanding Condition 1, prior to the construction of any part of the residential development hereby approved above damp-proof course level a schedule and/or samples of all surfacing materials and external building materials, including doors and windows) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

52. Notwithstanding Condition 1, prior to the construction of any part of the commercial development hereby approved above damp-proof course level a schedule and/or samples of all surfacing materials and external building materials, including doors and windows) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

53. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a fully detailed landscape plan and landscape maintenance plan for a minimum period of five years, including details of arrangements for its implementation, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport Limited (NIAL). The landscape scheme shall include tree and shrub planting (any trees to be a minimum 12-14cm girth) and include the proposed timing and ground preparation noting the species and sizes for all new plant species and details of the dingy skipper habitat. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. 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. The landscape maintenance scheme shall be implemented in accordance with these agreed details.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

54. No vegetation removal or building works 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.

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 (2017).

55. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 10no. bird boxes to be installed on the exterior walls of the dwellings, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) on which they are to be installed and permanently retained.

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 (2017).

56. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 4no. bat boxes to be installed on the exterior walls of the dwellings, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) on which they are to be installed and permanently retained.

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 (2017).

57. High intensity security lights shall be avoided as far as practical. Where security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.

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 (2017).

58. Notwithstanding Condition 1, prior to the commencement of the development an amphibian precautionary working method statement, in order to address the low risk to great crested newts, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required from the outset 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 (2017).

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

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 (2017).

60. Prior to any works commencing on site, an updated checking survey for badger shall be undertaken and, if required, a Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed development shall be carried out in full accordance with the agreed Method Statement, if required.

Reason: This information is required from the outset in the interests of biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

61. Prior to commencement of works starting on site, details of the tree protection measures, including protective fencing, to protect the trees identified for retention within the site, adjacent to the site or overhanging the site shall be submitted to and approved in writing by the Local Planning Authority. 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 or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority.

Reason: This needs to be pre-commencement condition 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).

62. 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 within the next planting season, i.e. October to March, be replaced by with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 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 Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

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)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Referral Area , (FULH) (I43)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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.

Northumbrian Water inform you that a number of public sewers cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of development.

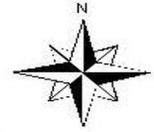
The development hereby approved lies within close proximity to the designated and well-established flightpath from Newcastle International Airport. The airport operates unrestricted, flying 365 days per year, 24 hours per day. The site is also a co-opted military airfield and therefore unrestrictedly accepts military aircraft. Properties contained with the development will be exposed to aircraft noise



Application reference: 18/00881/FUL
Location: Land at Backworth Business Park, Eccleston Close, Backworth
Proposal: Construction of 67 residential dwellings (C3) and 14 No. B1, B2 & B8 commercial units totalling 650 sqm, with associated road infrastructure, car parking spaces, open spaces, gardens and landscaping

Not to scale
 Date: 17.09.2020

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**Appendix 1 – 18/00881/FUL
Item 1**

Consultations/representations

1.0 Internal Consultees

1.1 Biodiversity Officer

1.2 The above scheme is located at Ecclestone Close, Backworth, and is for the construction of 67 residential dwellings and commercial units with associated infrastructure and landscaping. The land proposed for development consists of an area of land that is designated as a Local Wildlife Site (Eccles Colliery & Extension LWS) as shown on the North Tyneside Local Plan Policies Map 2017, and an area of land to the east outside of the Local Wildlife Site (LWS) which supports semi-improved grassland habitat. The site is also adjacent to the remaining part of the Eccles Colliery LWS along its southern and eastern boundary and is within a designated wildlife corridor as shown on the Local Plan Policies Map.

1.3 Additional information has been submitted for the above application consisting of: -

- Dingy Skipper Habitat Area
- Landscape Proposals Plan (DWG No: 124517/8001 Rev E)
- Compensation Site Ecology Report
- Landscape and Ecological Management Plan

1.4 Previous comments submitted for this application, outlined the issues with this scheme and set out the reasons why the scheme was not acceptable including the loss of part of a Local Wildlife Site (LWS) and its failure to meet Local Plan Policies and the principles of NPPF. Whilst additional information has been submitted to support the application as highlighted above, the scheme remains unchanged and continues to impact a designated Local Wildlife Site (LWS) resulting in the partial loss of the site as well as impacts on the remaining part of the LWS directly adjacent. The scheme is also within a designated wildlife corridor and will adversely impact this corridor as a result of the loss of the Local Wildlife Site and severance of the corridor. The scheme fails to meet the Local Plan Policies set out below and, therefore, I object to the application.

1.5 North Tyneside Local Plan Policy

1.6 Policy S5.4 Biodiversity and Geodiversity

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

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

1.7 The scheme fails to “protect a designated local wildlife site as shown on the policies map or to conserve and enhance a borough wide network of local sites and wildlife corridors” in accordance with the above policy. A large part of the existing Eccles Colliery Local Wildlife Site (LWS) will be lost to provide housing as part of this scheme and the remaining part of the LWS will be impacted by the proximity of the housing scheme directly adjacent (noise and lighting impacts) as well as ongoing recreational impacts (dog walking etc) from residents. The scheme will also result in the loss of a large area of open space designated as a LWS within the wildlife corridor that will result in the severance of this corridor with associated impacts on wildlife dispersal and connectivity. The importance of the wildlife corridor is demonstrated by the presence of dingy skipper butterfly on site which is a UK Priority Species listed on S41 of the NERC Act (2006). This butterfly has been recorded for the first time at this site and is likely to have colonised the Eccles LWS site from Fenwick Pit heap approximately 1km to the east due to the good connectivity and suitable habitats that form part of this wildlife corridor. Dingy skipper will also be impacted by this scheme as habitat currently used by this species will be lost to housing.

1.8 Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

All development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

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

1.9 The scheme fails to meet parts a and b of Policy DM5.5 as the biodiversity value of land (the LWS) and a UK priority species (dingy skipper butterfly) will not be protected and the fragmentation of habitats and wildlife links are not minimised as these will be lost to accommodate the scheme.

1.10 The policy goes on to state that; “proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats would only be permitted where:

“d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,”

1.11 As established above, the proposal set out for this application will significantly affect a locally designated site through its partial loss and associated impacts on the remaining part of the LWS. It will also significantly affect a priority species (dingy skipper) as a result of the complete loss of habitat that supports this species on the site. The policy states, therefore, that the scheme would only be permitted where “the benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links”.

1.12 With regard to the above, there is no evidence to demonstrate how the benefits of housing in this particular location clearly and demonstrably outweigh the direct and indirect impacts on the Local Wildlife Site, the wildlife corridor and a UK Priority Species. Whilst it is acknowledged that the site was allocated for housing in 2017 as part of the Local Plan, it was allocated in the knowledge that the site was designated as a Local Wildlife Site. This site was designated as a Local Wildlife Site in 2007 and therefore its designation pre-dates the housing allocation by 10 years. Local Wildlife Sites are designated for wildlife and should be adequately protected by Local Plan Policy and the NPPF and housing should be allocated on appropriate sites which do not result in damaging environmental impacts.

1.13 The scheme also fails to meet part (f) of the above policy as inadequate information has been submitted regarding the off-site compensation land and a lack of adequate mitigation has been provided to address the impacts on dingy skipper butterfly. The information provided for the off-site compensation land provides little evidence that the site could successfully be converted from arable land to a species rich brownfield grassland site of a similar type and quality to that being lost. No soil testing has been undertaken to establish nutrient status of the soil, in particular, phosphate levels (as recommended by the Natural England Technical Advice notes) to provide reassurance that arable conversion could successfully be undertaken on this site. Natural England Technical Information Notes regarding arable reversion to species rich grassland specify that “knowledge of soil type, pH and nutrient status is essential”. There is, therefore, a possibility that the loss of the Local Wildlife Site would not be adequately mitigated at the proposed compensation site and the measures recommended not deliverable. There is no specific detail regarding how the site would be converted into a species rich grassland or managed thereafter as the recommendations within the report are vague and refer mainly to advice and guidance notes. If the compensation site failed to deliver a site of equal quality worthy of LWS designation, there is no mechanism in place to address this.

1.14 The dingy skipper survey report provides no information on the transect route or a map showing the locations of butterflies found within the site. With respect to the impacts on dingy skipper butterfly, the proposed mitigation includes areas of wildflower grassland (already designed into the scheme to address species rich grassland loss). The majority of these areas are proposed mainly in open landscaped areas which provide open space for residents (with the exception of the eastern boundary). These areas will therefore be subject to high levels of disturbance, reducing their value to dingy skipper. In addition, no details of specific brownfield habitat creation for dingy skipper butterfly has been submitted (e.g. appropriate substrates, bare ground and target foodplants).

1.15 The scheme will also impact the remaining part of the Eccles Colliery LWS as a result of ongoing disturbance from recreational pressure which has not been addressed.

1.16 An increase in residents in this area will increase recreational activity and footfall into the adjacent Eccles Colliery LWS (e.g. dog walking) which will increase pressure on the site and lead to deterioration of the site. Whilst planting has been retained and enhanced in some areas along the proposed housing site boundary and the adjacent LWS, impacts associated with lighting will remain in an area which is not currently subject to this disturbance. Lighting close to boundaries has the potential to impact boundary planting as well as habitats within the adjacent Local Wildlife Site that are used by wildlife such as foraging and commuting bats and breeding birds.

1.17 The site is also within a designated wildlife corridor that connects a series of Local Wildlife Sites to the wider urban and sub-urban area. The loss of a large part of the Eccles Colliery LWS and the associated impacts on the remaining part of the LWS will result in adverse impacts on the wildlife corridor associated with loss of connectivity and disturbance.

1.18 DM5.7 Wildlife Corridors

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

1.19 The site is within a designated wildlife corridor that connects a series of Local Wildlife Sites to the wider urban and sub-urban area. The Eccles Colliery LWS connects directly north and east to the greenbelt and also connects to a number of Local Wildlife Sites including Backworth Pond LWS and Fenwick Colliery SLCI (Site of Local Conservation Interest) to the east, Silverlink Biodiversity Park LWS to the south and Backworth Woods SLCI to the west. The loss of a large part of the Eccles LWS and the associated impacts on the remaining part of the LWS will result in adverse impacts on the wildlife corridor including those associated with connectivity and disturbance. As outlined above, the importance of the wildlife corridor is demonstrated by the presence of dingy skipper butterfly on site which is likely to have recently colonised the Eccles LWS site from Fenwick Pit Heap SLCI (Site of Local Conservation Interest) to the east

due to the good connectivity and suitable habitats that form part of this wildlife corridor.

1.20 In addition to the above Local Plan Policies, the scheme also fails to meet the relevant sections of National Planning Policy Guidance (NPPF) set out below as well as Section 40 of the NERC Act (2006).

1.21 NPPF - Conserving and Enhancing the Natural Environment

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

174. To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

175. 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;

1.22 NERC Act (2006) Habitats and Species of Principal Importance

The Natural Environment and Rural Communities (NERC) Act came into force on 1st Oct 2006. Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England.

1.23 Section 40 (Duty to Conserve) states:-

40(1) The public authority (Local Planning Authorities) 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.

1.24 Section 41 (Biodiversity lists and action-England)

(1) The Secretary of State must, as respects England, publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity.

1.25 Importance of Local Wildlife Sites (LWS)

1.26 A Local Wildlife Site (LWS) is defined as a discrete area of land, which is considered to be of significance for its wildlife (Local Wildlife Sites), and/or for its geological/geomorphological features (Local Geological Sites) in at least a County context. In 2006, DEFRA published:

‘Local Sites - Guidance on their Identification, Selection and Management’ with the

objective of creating a more consistent sense of the value and importance of Local Sites by securing broader awareness of this and support for their protection.’

1.27 In accordance with the DEFRA guidance, the selection and confirmation of all Local Wildlife Sites (LWS) in Northumberland, Newcastle and North Tyneside is undertaken through the rigorous application of the guidelines set out within the ‘Guidelines for the Selection of Local Wildlife Sites’ (2016) by the Local Wildlife Sites Partnership. This provides a strategic approach to the identification and protection of sites with substantive nature conservation value throughout Northumberland, Newcastle & North Tyneside.

1.28 The guidelines are designed to fulfil the requirement of National Planning Policy Framework to identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones.

1.29 In 2010, ‘Making Space for Nature: a review of England’s wildlife sites and ecological networks’ (the Lawton Report) was published and concluded that the current system of wildlife sites “does not comprise a coherent and resilient ecological network”. The report recommended the following key recommendations: -

- That we better protect and manage our designated wildlife sites;
- That we establish new Ecological Restoration Zones;
- That we better protect our non-designated wildlife sites;

1.30 These recommendations formed the basis for objectives within the ‘Natural Environment White Paper: ‘The Natural Choice: securing the value of nature’ (2011) which sets out key reforms for protecting and improving the natural environment with clear environmental objectives for the planning system through NPPF.

1.31 Loss of Local Wildlife Site

1.32 The Eccles Colliery and Extension Local Wildlife Site (LWS) was originally comprised of two separate sites; Eccles Colliery and Eccles Grassland Extension. The boundaries of these sites were merged in 2016 as part of the 2016 LWS review to form one site. The current housing application will result in the loss of one of the original designated sites (Eccles Grassland Extension) which is approximately 3.3ha in size and is now part of the wider Eccles Colliery LWS designation. This site was originally designated in 2007 for its neutral grassland habitat and has consistently met the Local Wildlife Site Criteria for grassland habitat (paragraph 5.16 of the LWS Guidelines) in the 2007, 2009 and 2016 reviews.

1.33 Whilst the site is currently designated because it meets the grassland criteria, the site also qualifies under the 'Post Industrial Land' criteria within the 'Guidelines for the Selection of Local Wildlife Sites'. The presence of dingy skipper found on site in 2019 also means this site would potentially qualify under the butterfly criteria.

1.34 The site is also likely to meet the criteria for a UK Habitat of Principal Importance as defined under S41 of the NERC Act (Natural Environment and Rural Communities Act) 2006. The site currently meets the criteria for the 'Open Mosaic Habitats on Previously Developed Land' and therefore, the development of this site would also potentially result in the loss of a UK S41 Priority Habitat.

1.35 Conclusion

1.36 The above scheme will result in the loss of part of a designated Local Wildlife Site (LWS) with associated impacts on a designated wildlife corridor and the adjacent Local Wildlife Site. Dingy skipper butterfly, a S41 UK Priority Species, will also be impacted due to the loss of habitat supporting this species within the Local Wildlife Site. The development of this site would also set a precedent that would make other Local Wildlife Sites vulnerable to development in the future.

1.37 The scheme fails to meet Local Plan Policies, the National Planning Policy Framework (NPPF) and S40 of The NERC Act (2006) as set out above, therefore I am objecting to this application.

1.38 Landscape Architect

1.39 The loss of a large part of a local wildlife site, the impacts on a wildlife corridor and level of mitigation have been previously discussed both by myself and the Biodiversity Officer where there have been, and still are, concerns relating to the following:

- Loss of a LWS that has been designated for 10 years plus. S5.4(a-d) and DM5.5
- Impacts on dingy skipper. DM5.5 and NERC Act Section 41. A plan has been submitted showing the areas for butterfly mitigation which are all within the site which has its issues:
 - Disturbance and damage by residents and other users particularly as many areas proposed are next to footpaths, therefore conflict of use
 - Conflict with other areas proposed for habitat enhancement/creation (meadow areas)
 - Impacts on the remaining LWS (lighting, noise and access) DM5.5(f)
 - Impacts on the wildlife corridor (Biologically diverse areas should be protected to maintain ecological connectivity and developments should not be fragmented) DM5.7
- Mitigation site - The ecological reports for the offsite mitigation does not adequately address the level of mitigation.

1.40 The land proposed for development comprises of a Local Wildlife Site (Eccles Colliery and Extension LWS) and an area of land to the east outside of the Local Wildlife Site (LWS) which supports semi-improved grassland habitat. The site is also adjacent to the remaining part of the Eccles Colliery LWS along

its southern and eastern boundary and is within a designated wildlife corridor as shown on the Local Plan Policies Map.

1.41 This site is an established landscape that supports biodiversity and ecosystems which are an essential component of a wider ecological framework that is needed for environmental sustainability. The North Tyneside Local Plan sets out policies that seek to preserve local environments and local biodiversity enabling green infrastructure networks to function effectively. Each impact has been closely looked at by the Biodiversity officer in relation to the policies (see separate comments).

1.42 The loss of part of a local wildlife site and the impacts on a wildlife corridor is a material consideration in the planning process, particularly where the integrity of these systems will be under threat from human activity and intervention. This landscape is valuable, and a high level of protection should be given to most valued landscapes, wildlife habitats and natural resources which are vulnerable to the scale and speed of urban growth. Where dynamic and established ecosystem exists, the preservation of such areas gains greater importance.

1.43 However, a large part of the existing Eccles Colliery Local Wildlife Site (LWS) will be lost under this application. The remaining part of the LWS will become very much reduced in size, fragmented by urbanisation, with habitats and ecosystems that can be damaged by public access. The scheme will also result in the loss of a large area of habitat within the wildlife corridor that will result in the severance of established ecosystems and impact on wildlife dispersal and connectivity.

1.44 In terms of the landscape, the existing landscape features including trees, hedgerows grasslands and ponds make an important contribution to the character and biodiversity of the area and it is essential that new development does not lead to the loss of, or pose a future threat to, such features. The LWS and associated grasslands is a landscape that exists already and therefore has value in its own right. The loss of a landscape which has value, results in a change to the landscape quality and can be seen as a 'disturbance' in the intactness of the landscape and its overall condition. Preservation is a basic step in maintaining visual aesthetics that, in turn, maintain a sustainable landscape in an urban environment - any change or disturbance can alter the contextual fit and coherence of a landscape. The loss of part of a wildlife site and the visual and ecological changes that will be experienced is not something that can be easily replaced and consequently the proposed scheme is unlikely to achieve a sustainable and resilient environment. Changes could be introduced that could lead to a decline in its function as a wildlife site such as access, noise, and light pollution and can alter the character of the landscape on a permanent basis.

1.45 The Local Plan recognises the value of existing ecosystems and valuable habitats and sets out clear policies for the protection and enhancement of the natural environment. The impacts on a local wildlife site and disturbance within a wildlife corridor is significant resulting in irreversible change and the Local Plan policies need to be used to protect and enhance the quality, character and amenity value of land within urban areas. Therefore, the scheme as presented is

not in accordance with the Councils Policies as set out in detail by the Biodiversity Officer and therefore object to the application.

1.46 Highways Network Manager

1.47 This application is for the construction of 67 residential dwellings (C3) and 14 no. B1, B2 and B8 commercial units with associated road infrastructure, car parking spaces, open spaces, gardens and landscaping.

1.48 The site is accessed via Ecclestone Close. Parking has been provided in accordance with current standards for both the residential and commercial uses and suitable areas for turning a refuse vehicle have been provided for the residential area as well as suitable turning areas for appropriate service vehicles in the commercial area. Improvements to sustainable links to schools and public transport will be required to make the site safe to access by pedestrians. Conditional approval is recommended.

1.49 Recommendation - Conditional Approval

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

Alterations to existing access

New access

Upgrade of footpath abutting the site

Provision of traffic calming to 20mph in the vicinity of the site on Station Road

Provision of suitable pedestrian crossing point on Station Road

Associated highway drainage

Associated street lighting

Associated road markings

Associated signage

Associated legal orders

1.51 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

ACC25 - Turning Areas: Before Occ [refuse vehicle]

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

No part of the development shall be occupied until a scheme for off-site highway works has been submitted to, approved by in writing by the Local Planning Authority and implemented. The scheme shall include:

Alterations to existing access

New access

Upgrade of footpath abutting the site

Provision of traffic calming to 20mph in the vicinity of the site on Station Road

Provision of suitable pedestrian crossing point on Station Road

Associated highway drainage
Associated street lighting
Associated road markings
Associated signage
Associated legal orders

Thereafter, this scheme shall be retained in accordance with the approved details.

Reason: In the interests of highway safety.

No part of the development shall be occupied until a scheme to manage refuse collection has been 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 retained thereafter.

Reason: In the interests of highway safety.

No part of the development shall be occupied until a scheme to manage parking has been 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 retained thereafter.

Reason: In the interests of highway safety.

No part of the development shall be occupied until a scheme for the provision of secure undercover cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

1.52 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 dvlp

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.

1.53 Lead Local Flood Authority

1.54 I have carried out a review of the above application.

1.55 The applicants surface water drainage proposals for the site involve the provision of three attenuation ponds, a cellular storage tank and all private driveways/parking areas to be permeable paved to provide surface water storage within the site for up to a 1 in 100 yr rainfall event. The development will also include the use of swales to provide additional storage and will convey surface water through the South East part of the site. The attenuated surface water will then discharge into the Brierdene Burn at one location at a restricted discharge

rate of 21.8l/s. In addition, the proposals highlight that properties will be constructed with a finished floor level of 52.5m AOD in order to provide additional flood protection in the event of a culvert blockage.

1.56 I can confirm that I have no objections to the proposals as long as the following conditions are met prior to the commencement of the development.

-Before commencement of development detailed drainage design to be provided to LLFA.

-Before commencement of development details of the pollution control measures to prevent contamination of local watercourses during construction period to be provided to the LLFA.

-Before commencement of development details will need to be provided on the future maintenance regime of permeable paving to be include within the suds maintenance regime. This is to ensure the viability of the surface water attenuation of the development is maintained through its lifetime.

-Before commencement of development the landowners Riparian ownership duties will need to be undertaken on the Brierdene Burn, this will include re-establishing the profile of the Brierdene Burn watercourse and the removal of all obstructions from watercourse in order to allow the free passage of water. Particularity the section of watercourse located between Railway culvert and the blocked culvert (X: 430624, Y: 571803)

-Before commencement of development on site the existing damaged culvert located to the South East of the proposed development site will need to be repaired or the culvert removed and the drainage ditch re-established.

-A SuDS management contractor will need to be appointed prior to construction of sustainable drainage features with contact details provided to the LLFA.

1.57 Contaminated Land Officer

1.58 The Geo Environmental Report states:

1.59 Based solely on calculated Q_{hg} values, the site would be considered to fall within Characteristic Situation (CS) 1. However, the presence of historic shafts on site which have not been sealed or grouted provides a potential pathway for ground gas generated in underground workings to migrate readily to shallower depths. Shallow gas monitoring wells in the vicinity of shafts have not identified significant gas to date, however, gas migration can be subject to short term fluctuations in environmental conditions such as pressure or deep groundwater levels and flow regimes within underground coal workings and may not be readily predicted by a short period of shallow monitoring. On this basis, it is considered that a basic level of gas protection measures in line with a site characterised as CS2 according to BS8485 should be adopted for all residential plots proposed within 50m of a former mine shaft. Made ground within the former reservoir has been found to contain a high proportion of coal fines and some silt with and organic component derived from lagoon bed sediments. These materials are a potential source of gas. WS2 is located within the former lagoon and to date, no significant gas concentrations or flows have been detected. However, plots constructed in this area of the site are likely to require piled foundations which may have the potential to alter the gas regime within the lagoon and potentially create vertical pathways for gas migration. On this basis, it is also considered that plots constructed over the former lagoon should include a minimum of basic

gas protection measured in line with a site characterised as CS2 according to BS8485.

1.60 As there is remediation works required the following must be attached: GAS006.

1.61 The Geo Environmental Report states:

1.62 The revised conceptual site model indicates that potentially unacceptable contaminant linkages exist for both site end-users and controlled waters. Contaminant linkages assessed as a Low or Negligible risk are not considered significant or requiring remedial action and are not discussed further.

1.63 Human Health Receptors

1.64 Elevated concentrations of arsenic and PAHs in reworked topsoil pose a potentially unacceptable risk to site end users and require further assessment. Elevated concentrations of lead and PAH in granular made ground pose a potentially unacceptable risk to site end users and will require management and remedial action.

1.65 Based on the above and that further works are required the following must be attached: CON001.

1.66 Environmental Health

1.67 I have viewed the noise report which considers the potential impact of industrial noise on the proposed new housing, road traffic noise from the B1322 Station Road and potential noise from the railway line to the east of the site. The noise monitoring for associated industrial noise from Keenan's potato factory was unattended for a one week period. This identified noise from the loading and unloading of delivery vehicles and manoeuvring of vehicles. I note that the highest LAeq 15 min average for the night period has been used within the noise assessment for modelling the potential industrial noise on the proposed residential housing. The noise modelling did include for noise arising from the industrial units to the north west of the site that consists of vehicle washing and valeting and car repair activities but that noise from the Keenan's potato factory is considered to be the dominant industrial noise for the area. An objector located in unit 6, who is a kitchen showroom and workshop, has raised concerns over the proposed housing development. The objector has indicated that they use power tools early morning and evening outside of the showroom opening hours and that they are a relatively new operation. The noise report did not highlight noise from this unit during the monitoring at the site and it is unclear if the noise assessment that included for this noise source. I would require confirmation that this activity has been taken into account, and if not, then this activity will need to be assessed, as it is unclear whether this business was operating within Unit 6 when noise monitoring was carried out.

1.68 The Leq noise levels from Keenan's potato factory would indicate that the levels of noise arising would be of significant adverse impact for the night period and adverse impact for daytime and may give rise to some complaints if assessed in accordance to BS4142, this is based on the closest property plot number 62. BS4142 assesses to the building facade only. The layout plan shows that bungalows with non-habitable rooms to the front with bedrooms and lounge

to the rear resulting in all habitable rooms being screened from noise arising from Keenans.

1.69 Review of the site layout has shown that the properties closest to Keenans will have noise sensitive facades facing away from the business. Three of the plots, 45, 46 and 57 are shown to still have noise sensitive façades facing towards Keenans, but are located slightly further away from Keenans and may be afforded some partial screening by other residential plots. Please can the applicant confirm what screening, if any will be afforded for these properties. All properties will achieve internal noise levels in accordance to the WHO community noise guidelines with open window at night. The applicant has confirmed that no properties will be subject to any repetitive bangs and clatters above 82 dBLAmax and the maximum noise at the facade during the night will be 60 dBLAmax. However, the WHO community noise guidelines is for anonymous noise such as road traffic noise, where residents are subject to industrial noise such as clatters and bangs from the unloading and loading operations or noise from reversing vehicles then residents may be more affected by such noise and therefore any properties that have sensitive facades facing towards Keenans and are not afforded screening by other buildings then they may still be subject to significant adverse impacts from industrial noise.

1.70 Mitigation measures have been proposed to minimise potential nuisance. The residential housing has been designed so that the residential plots have habitable rooms screened from Keenan's. Keenan's has raised an objection against the development. The objectors noise consultant indicates that the assessment methodology for daytime should be in accordance to BS4142 and that lower internal noise limits should be achieved rather than reliance on using the WHO guidelines. It is noted that the site layout design for those properties closest to Keenan's are designed so that the noise sensitive rooms are located on the screened façade and as such located away from Keenan's. Internal noise levels can be achieved as the noise sensitive windows are on the screened façade.

1.71 The use of a combination of earth bunding and fencing to a height of 2.8 metres will help mitigate noise for those properties closest to Keenan's and the applicant has confirmed that all garden areas are below the recommended World Health Organisation guidelines of less than 55 dB LAeq for external amenity areas. It is noted though that plot no. 62 has a garden facing towards Keenan's. The objectors noise consultant has identified concerns with regard to the calculated noise levels for plot 62 and it will be necessary for the applicant to re-assess and reconfirm the calculated noise levels for this garden.

1.72 I would therefore request that further details are provided to address the concerns raised with regard to the kitchen showroom workshop in unit 6 to the north west of the site, clarification of the noise levels for the garden area of plot 62 and confirmation on what screening is afforded to plots 45, 46 and 57 to mitigate industrial noise from Keenan's.

1.73 Additional Comments Dated 11th June 2019

1.74 I have reviewed the additional comments by the applicant in response to my comments dated 7th May 2019. I note that the applicant has confirmed that the noise assessment considered noise levels for the workshop areas that would be consistent with noise arising from the kitchen showroom and workshop.

1.75 With regard to plot 62 the applicant has verified the noise levels for the garden area that will be subject to levels of up to 52 dB(A). A BS4142 assessment for plot 62 was carried out that shows that the rating level for noise arising from Keenan's would be border line adverse nuisance for daytime for use of the garden area. However, this is based on worst case assessment of industrial noise over a 1 hour period for the BS4142 calculation but the external noise levels with the acoustic screening will meet the World Health Organisation community noise guidance levels. The habitable rooms for plot 62 are designed so that they are on the screened side of the building.

1.76 Review of the site layout has shown that the properties closest to Keenan's will have noise sensitive facades facing away from the business. Three of the plots, 45, 46 and 57 are shown to still have noise sensitive façades facing towards Keenan's, but are located slightly further away from Keenan's and may be afforded some partial screening by other residential plots. The applicant has confirmed that the dominant noise for these properties is road traffic noise and rail noise from the east, rather than industrial noise from Keenan's.

1.77 Mitigation measures have been proposed to minimise potential nuisance. The residential housing has been designed so that the residential plots have habitable rooms screened from Keenan's. Keenan's has raised an objection against the development. The site layout design for those properties closest to Keenan's are designed so that the noise sensitive rooms are located on the screened façade and as such located away from Keenan's. Internal noise levels can be achieved as the noise sensitive windows are on the screened façade.

1.78 The use of a combination of earth bunding and fencing to a height of 2.8 metres will help mitigate noise for those properties closest to Keenan's and the applicant has confirmed that all garden areas are below the recommended World Health Organisation guidelines of less than 55 dB LAeq for external amenity areas.

1.79 Planning conditions for the B1, B2 and B8 commercial units will be required to address operating hours, external plant and equipment, odour control for extraction vents and lighting.

1.80 If planning consent is to be given, I would recommend the following conditions:

C3 dwellings

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. NT12879. 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.

Details of the 2.8m high acoustic screening, running parallel to Ecclestone Close to be provided to screen industrial noise from Keenan's, must be submitted in writing to the Local Planning Authority for approval and thereafter implemented and retained. The acoustic screening to consist of a combination of earth bunding and fencing.

Details of the 1.8m high acoustic fencing to be provided on the site, to screen noise from the industrial workshops, road and rail noise in accordance to figure 2, drawing reference NT12879/002 of noise report NT12879 must be submitted in writing to the Local Planning Authority for approval and thereafter implemented and retained.

HOU04
HOU05
SIT03

B1, B2 and B8 Commercial Units

HOU03 07:00 and 20:00 hours Monday to Saturday and 09:00 to 17:00 hours on Sundays and Bank Holidays.

Deliveries and collections for the commercial B1, B2 and B8 should take place between the times of 07:00 and 18:00 hours; Monday to Saturday and 09:00 to 17:00 hours on Sundays and Bank Holidays

Reason: To protect the amenity of residential premises against noise.

External Plant and Equipment

Prior to the installation of external plant and equipment at the commercial units a noise scheme must be submitted that details the noise rating level from the proposed combined plant and equipment to ensure that the background noise level of 46 dB LA90 T for Daytime and 31 dB LA90 T for night time at nearest façade of residential properties is not exceeded by any more than 5 dB, as detailed in noise report reference NT12879.

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant.

NO102

NO104 this will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level.

EPL01

EPL02

EPL03

Odour control (if applicable)

EPL04 The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04. All odour abatement systems should be in accordance to DEFRA report Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust System.

LIG01

REF01

REF02

1.81 Heritage and Design

1.82 The following issues still need to be addressed:

- Plots 28 and 60 require an active side elevation to support a well-designed street.
- The close boarded fence with brick piers should be replaced in all areas with a brick wall with optional timber infill panels as set out in the Design Quality SPD.
- Visitor car parking should be surfaced in concrete blocks (rather than tarmac) to improve the overall street scene.
- Details of the mesh fencing around the commercial units should be submitted.
- On this site a consistent use of brick should be chosen to reflect the established character of the conservation area.

1.83 Concerns remain about the acoustic landscaping around the village green which results in 1800 mm high bund with 1000 mm high fence on top. This solution will not contribute towards a well-designed public realm. The acoustic bund and fence is also likely to be visible from Station Road. I refer this concern to the Case Officer to make an overall balanced judgement for the application.

1.84 Initial comments:

1.85 The majority of comments which I originally provided have not been responded to. These comments include:

1.86 Part of the application site is located within Backworth conservation area. This relates to the area of parking associated with the workshops and substation.

This area is beside the site entrance and may be visible from Station Road which is a key route into the conservation area. The applicant should submit additional evidence to show proposed views of the site from Station Road. This is required to assess if there is an adverse impact on the character and appearance of Backworth Village. The views should show the site in the summer and winter months to reflect season changes to landscaping.

1.87 Of particular concern in the layout is the approach to the acoustic landscaping around the village green which results in 1800 mm high bund with 1000 mm high fence on top. This is considered to be a solution that will not contribute towards a well-designed public realm. The acoustic bund and fence is also likely to be visible from Station Road. This is not supported.

1.88 Next to the workshops there is a large area of 1.8 metre high acoustic close boarded fencing. Substantial mature landscaping would be required to make this acceptable. Native hedgerow and boulevard tree planting is identified in this area, however further details are required to provide confidence that this area will be well design and the boundary fencing suitably mitigated.

1.89 Without a response to the concerns above, I consider that the development is highly likely to have an adverse impact on the character and appearance of the conservation area.

1.90 Revised information has been submitted with the application including house types, boundary treatments and materials. Please see my comments below in relation to this information:

- Plots 28 and 60 require an active side elevation to support a well-designed street.

- Concerns that the brick wall at the entrance of the development will enclose the site at the detriment to the open views which are currently experienced from Station Road. This seems particularly unnecessary to the south of the entrance where mature landscaping fronts the street.

- The close boarded fence with brick piers should be replaced in all areas with a brick wall with optional timber infill panels as set out in the Design Quality SPD.

- Palisade fencing seems unnecessary around the commercial units. This should be

reviewed and if there is a clear justification for security fencing then this should be designed in accordance with the Design Quality SPD.

- A mixture of brick and tile colours are proposed. On this site a consistent use of brick and tiles should be chosen to reflect the established character of the conservation area. A grey tile is advised for the roof of all properties.

1.91 The site will considerably increase the size of Backworth village. The site is also near listed buildings on Station Road. It is important that this site contributes to the character and appearance of the village.

1.92 Part of the application site is located within Backworth conservation area. This relates to the area of parking associated with the workshops and substation. This area is beside the site entrance and may be visible from Station Road which is a key route into the conservation area. The applicant should submit additional evidence to show proposed views of the site from Station Road. This is required

to assess if there is an adverse impact on the character and appearance of Backworth Village.

1.93 The house types are traditional in appearance and their design quality will largely depend on the quality of materials used. Due to the location of the site, adjacent to the conservation area, high quality natural materials should be used including slate and timber windows.

1.94 Some house types do not respond well to the street scene and present blank side elevations. Plot 29, 44, 49 and 60 specifically need to be reviewed.

1.95 The NB house type elevations do not match with the roof plan of NB house types shown on the site layout plan. This also needs to be reviewed.

1.96 Of particular concern in the layout is the approach to the acoustic landscaping around the village green which results in 1800 mm high bund with 1000 mm high fence on top. This is considered to be a solution that will not contribute towards a well-designed public realm. The acoustic bund and fence is also likely to be visible from Station Road. This is not supported. Next to the workshops there is a large area of 1.8 metre high acoustic close boarded fencing. Substantial mature landscaping would be required to make this acceptable

1.97 Public Rights of Way

1.98 There is a definitive footpath running along east edge and the very same path was fully upgraded and street lit as it crosses Station Road to Pavillion site. Can this be repeated?

1.99 The 'link' at the north east corner is welcome but could be much more inclusive if it came into site at the turning head and VP bays. Also, what is the construction type?

1.100 Definitive and strongly recordable paths criss cross the site. I think the definitive map footpath would need to be diverted. What are the links to the school to prevent car use and how does the site tie into surrounding estate to encourage 'through movement'?

2.0 Representations

2.1 Support

2.2 Three letters of support have been received. These are summarised below:

-I am writing as a significant landowner, business and neighbour to the above site to offer my full support for the proposal.

-The site has remained derelict for far too long and at a time when neighbouring open fields are being developed for housing it is not before time this former colliery site provides much needed housing for residents of North Tyneside. The proposal complies with both national and local policy frameworks and has been sensitively designed to reflect the neighbourhood.

-The proposal will complement the proposals for my own site of Holywell Engineering which has been given positive support at the pre-application stage for housing. Together the two proposals will make a huge difference to the locale and offer a synergy that will contribute to the regeneration of Backworth Village.

-I look forward to a positive decision from the Council.

- The change in designation in the site's planning status has been very welcome and clearly constructive as after some 40 years of inaction when the site was allocated for industry we now have some positive investment and an opportunity to enhance Backworth.
- In recent years a lot of green fields in the vicinity have been turned over to housing development, this brownfield site offers a much more attractive and sustainable opportunity to provide much needed houses for the area.
- Support the proposal to bring a derelict site back into beneficial use in line with government and council policies.

2.3 Objections

2.4 Seven objections have been received, including an objection on behalf of the owners of Prosperous House and Keenans. The objections are set out below:

- Adverse effect on wildlife.
- Affect character of conservation area.
- Affect Site of Special Scientific Interest.
- Impact on landscape.
- Inadequate drainage.
- Inadequate parking provision.
- Inappropriate design.
- Loss of privacy.
- Loss of residential amenity.
- Loss of visual amenity.
- Loss of/damage to trees.
- Nuisance: disturbance, dust, dirt, fumes, noise.
- Out of keeping with surroundings.
- Pollution of watercourse.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Will result in visual intrusion.
- How many times has this been through planning?
- The ground is unsafe, wet and liable to flood in winter.
- There is noise and early morning traffic to Keenans factory.
- The road structure landscaping is inadequate.
- The traffic now is at times a congestion issue we cannot access or get out of the road onto Station Road at peak times.
- The speed limit is never adhered to.
- Do the plans include an electrical sub-station behind my property and why has the boundary line incorporated half of my rear garden?
- Object to the planning application due to the adverse impact of the development on the property, day to day operation of work, effect on the employees.
- We are meeting with a representative from Northumberland Estates to discuss our concerns.
- I am writing regarding the proposed planning permission for development of the land adjacent to Backworth Studios. As the owner of the 34 Design Company kitchen showroom in Unit 6, and joinery workshop in Unit 10 of Backworth Studios I have several concerns about how the proposed plans for the land could impact my business.
- The plans to get rid of the existing road leading up to Backworth Studios is the most concerning aspect of the design for the new housing estate and factory

proposal. In its current state, the road allows just enough space for our delivery lorries to access our units, however they must reverse out as there is not enough space for them to turn around. By changing the road layout, a delivery lorry will not be able to reverse out due to proposed bends in the new road and therefore could not reach our units to deliver our goods. This will drastically impact the day to day running of my business and therefore I am against any changes being made to the existing road which would restrict access.

-I am also concerned about the removal of the two fences to which 34 Design Company signs are mounted which attract a lot of customers to the showroom, due to the busy road to the back of the building. Many customers have stated that it was these signs which caught their eye and led them to visit the showroom. Therefore, I would be strongly averse to the removal of the fences on which these signs are mounted. Signage of that size was a costly investment for us as a recently opened business, therefore I would request that any alteration to my current advertisement is avoided, or at the very least compensated.

-Finally, I have significant concerns about housing being erected directly facing our workshop and showroom. Our workshop in unit 10 produces a significant amount of noise all hours of the day, particularly early mornings and evenings outside of showroom opening hours, which would inevitably lead to noise complaints from residents. The lack of surrounding residencies was one of the main reasons why we chose to establish our showroom and workshop at Backworth Studios, as in its current state there is no risk of noise complaints, and we would like to retain this assurance that our business can continue to function undisturbed.

-In addition, the planned housing development will revoke the active frontage of my units, as the land directly in front of Backworth Studios currently serves as a public thoroughfare. A loss of active frontage would significantly detriment my business and would necessarily require me to object to the housing development entirely.

-I feel that the proposed plans do not align with the industrial history of Backworth Village, and Backworth Studios in particular. Having served as an industrial site for over 100 years, it would be wrong to repurpose the land to the detriment of the businesses currently occupying and upholding the industrial legacy of the area.

-I hope that you will seriously consider my concerns and would be happy to discuss them further if required.

-Object to the current application on the basis of its potential to impact on the continued unfettered operation of Keenan's at their existing site. The concerns are present for the same reasons as was the case in the previous 2012 planning application 12/00637/FUL and as confirmed within the subsequent appeal decision of August 2016 Ref APP/4515/W/15/3137995. As confirmed within the appeal decision the concern with proposed development on this site is that the mitigation measures required to be incorporated within any residential development proposals in order to meet WHO guidelines are steps which are potentially not practically achievable or maintainable. The implications of this are that these new residential receptors may become a source of complaints in relation to the operations of our clients which ultimately may impact on their ability to operate in the manner they currently do. This consequently has an impact on their continued economic viability. On the basis of an initial review of the submitted application and supporting information we remain concerned that this same situation may occur. We are accordingly undertaking our own full

review of the current application including the submitted noise survey prepared by Wardell Armstrong's and will in due course submit further comments as may be appropriate following this review.

-Our noise consultants, Apex Acoustics, in their review of the applicant's report had questioned the validity of the report on the basis that an assessment should have been carried out utilising BS4142 as the British Standard relevant to Human Responses to Industrial and Commercial Noise. Their concern arose because the applicants report was prepared in relation to WHO Guidelines and guidance within BS8233. No assessment had been undertaken with regard to BS4142.

-In light of a new application on land to the south west of our clients site relating to Backworth Lodge and the surrounding area (18/01373/FUL and 18/01374/LBC). Within that application a noise assessment has been submitted. This includes specific consideration of the noise impacts arising from our clients site. It is significant to note that that noise report prepared by an entirely separate Noise Consultant had consistently utilised within its assessment BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound. That report provides a detailed assessment of the proposed application in the context of BS4142 with specific regard to noise being generated from our clients site. In this context we believe this reinforces the findings and conclusions of our consultants that the applicants report submitted in relation to application 18/00881/FUL is deficient in not utilising BS4142 in its assessment. We are in the position where two separate noise consultants have concluded that the correct British Standard to assess the impacts of our clients site is BS4142. The noise assessment relating to the adjacent site was not commissioned by our clients and was commissioned by a neighbouring landowner also seeking consent. We would submit that this provides further confirmation that the issues raised are entirely valid and correct and that the application is not capable of proper assessment and determination until the issues with the applicant's report are rectified.

-The LPA's own conservation officer has objected to a significant aspect of the proposed noise amelioration for the site. This is the proposed bund and fence on top of the bund. Due to the location of the conservation area this feature is considered visually inappropriate and in this respect the scheme is unlikely to be able to deliver this key noise amelioration element. This further emphasises the fact, as set out in our last letter that this proposal has not and cannot address the finding of the previous Inspector decision in relation to noise impacts.

-In relation to the principle of development and specifically the mixed-use land allocation for this entire area under policy S3.4. It is apparent now that this application in conjunction with the now submitted neighbouring application at Backworth Lodge, would result in some 113 dwellings being developed over an 8ha area. This is clearly a significant departure from the 65 dwellings envisaged under the mixed-use Local Plan allocation for this area under policy S3.4. The LP allocation was premised on the basis of a mixed-use development coming forward which brought forward meaningful levels of employment. Further to this it was also envisaged, within the context of the policy, that residential development would be a lesser and subservient element of this mixed-use site in order to ensure that a satisfactory scheme could be delivered without adversely impacting on our clients continued operations. This point has been brought into focus by reference to the Backworth Lodge application and the fact that it is solely a residential development proposal.

-With reference to the Inspectors report on the LP, published in May 2017, it can be seen in agreeing to release this area from its original employment allocation

the Inspector intended that the area would be developed as a mixed-use site in order that new employment uses could be developed close to Keenan's Processing in a manner which was compatible with their existing presence and also future residential development. It is quite clear from the Inspector's report that it was envisaged by the Inspector and indeed was promoted by the LPA that employment areas within this mixed-use site would deliver a buffer between Keenan's site and a relatively modest amount of development within the rest of the site. In considering whether or not Keenan's did sterilise large areas of this land, the Inspector concluded the evidence points to the need to avoid housing in close proximity to these premises, but I do not consider that it effectively sterilises the entire site from accommodating the relatively modest amount of housing proposed. We would draw attention to the phrase 'modest amount of housing'. The Inspector went on to state that looking at the wider sites, I am not persuaded that a subservient element of housing as part of a wider mix of uses could not be satisfactorily accommodated on the large 8.5ha site.

-It is clear therefore that in allowing the mixed-use site to come forward the Inspector not only envisaged that employment use would be present within the site but also that any residential element would be subservient to the employment use. This is clearly not the situation which is now occurring. As detailed these two current applications together would deliver some 113 dwellings with just 14 commercial units being developed. We are in the situation where the employment use within this mixed-use allocation is by far the most subservient land use. We must conclude therefore that both applications including this application are not consistent with the land use allocation for the site.

-What is also of significance is that this land use allocation under policy S4.3 is a relatively recent allocation which is contained within an up to date LP adopted as recently as July 2017. This is of significance because it postdates the previous appeal decision on this site from 2016. Therefore, the policy context has changed since determination of the previous planning appeal and any new proposals on this site must now also be able to demonstrate that they are bringing forward subservient levels of residential development in the context of a wider mixed-use site. This application does not do that.

-We would further submit that the failure to adhere to this mixed-use allocation is one of the principle reasons that noise issues are arising. If the site was being brought forward in the manner expected under a mixed-use planning policy, then it would be expected that less sensitive employment land uses would be brought forward on the closest sites to our client's land. The fact that the application now contains 14 commercial units on one parcel of land does not address this issue and we would submit that in any scheme where residential development was subservient, we would not be in the position where the issues present in the 2016 appeal were even having to be considered again. We would therefore submit, in addition to our previous objections, that this application is in fact also contrary to the adopted LP and is therefore not consistent with the requirements of the NPPF in relation to the determination of applications in accordance with an up to date plan.

-The latest information submitted in respect of noise, still fails to address the technical issues present within the applicant's original noise report. The latest noise letter of 5th March 2019 is an addendum to that original report and in this respect the same issues remain. We therefore conclude that the noise impacts of the proposal have still not been assessed correctly by the applicants. We also note that the noise mitigation that is proposed is still reliant upon a screen fence

erected on top of a boundary bund and this is the subject of an objection from the council's own conservation officer. In this respect, the noise attenuation proposed is premised on an aspect of built development which is not acceptable in relation to its impact on designated heritage assets.

-Appendix 3 & 4 say that Station Road is both accessible to pedestrians and cyclists. Incorrect the pavement is unsafe, unkempt and dangerous, terminates at Holywell engineering. The road is not wide enough of suitable for HTC vehicles. Cyclists cannot be passed on this road and several accidents have nearly occurred due to vehicles trying to pass cyclists.

-Appendix 3-2 regarding- the site is considered accessible by public transport: the 359 and 59 service is about to be withdrawn for good; the 54 service runs on the hour after 6 pm and all day on Sunday; if you wish to return from Haymarket there is no service from 19.45 until 21.45. For residents that have disabilities and cannot walk 1 mile from Northumberland Park metro station, do you consider this to be accessible for public transport.

-The principal of housing on a Local Wildlife Site (LWS) is contrary to NPPF para 170, 174 and 175 as well as your Local Plan policies S5.4, DM 5.5, 5.7 and 5.9. Based on your housing numbers and growth aspirations this can be achieved through alternative housing sites allocated within North Tyneside.

-The site remains as a LWS regardless of the applicant's ecological consultants claiming that their portion of the site no longer meets the requirements as there is sound evidence from the Local Authorities own survey work confirming in 2016/2017 that the site adequately meets LWS criteria. Regardless of this argument and even if a site deteriorates slightly in quality DEFRA do not advise that it is de-designated or built on, time is required to monitor and improve the site.

-Mitigation options proposed are wholly unacceptable based on the suggested direct and in direct impacts from the scheme. The offsite mitigation site is inappropriate and would be unlikely to provide a species rich grassland and is much smaller in size with its own ecological interest features which would then also be lost.

-The scheme impacts on wildlife corridors and high valued landscape which is also contrary to policy and guidance.

-As the Local Planning Authority, you must have regard to the purpose of conserving biodiversity in line with section 40 of the NERC Act (2006) Habitats and Species of Principal Importance. Overall the proposed scheme is hugely detrimental to wildlife particularly protected and priority species and habitats and has total disregard to the importance and protection of designated sites. This scheme would deliver a huge net loss to biodiversity within North Tyneside and would set a worrying precedent for the region.

3.0 External Consultees

3.1 Historic England

3.2 On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

3.3 Tyne and Wear Archaeology Officer

3.4 I am just going to comment on buried archaeology, not the setting of or visual impact on designated heritage assets, which your Conservation Area Specialist will deal with. I note that a Heritage Statement has been submitted.

3.5 The site is covered by two archaeological desk-based assessments. One for the east part of the site, written in 2007 by Pre-Construct Archaeology and one for the western part of the site, written by Archaeological Services Durham University in 2011. These ideally should have been submitted with the planning application.

3.6 The site lies south-east of East Backworth medieval village, which dates back to at least 1189 AD. During the medieval period, the site was probably used for agricultural purposes.

3.7 The site is of industrial archaeological interest.

3.8 In 1815 Backworth Colliery (A or Maud Pit) was opened on the site. A gasworks was later added. In 1919 a large pithead baths had been built. Backworth Colliery was owned by Waldie & Co in the 1850s, then Maud Taylor & Co, J.C. Lamb & Co, Backworth and West Cramlington Collieries, then Backworth Collieries Ltd, and from 1947 the National Coal Board. A Pit closed in 1960.

3.9 In 2008 Archaeological Services Durham University excavated five trenches in the eastern part of the site in advance of the reclamation of industrial land associated with Eccles Colliery. Eccles Colliery opened in 1813 and closed in 1980. The aim was to ascertain if the Backworth Waggonway West Holywell Branch survived (it's now the line of a public footpath) and to see if archaeological remains lay beneath the colliery waste. No archaeological remains were found.

3.10 Archaeological Work required:

-Archaeological evaluation trenching on the site of colliery buildings, the gas works and the Backworth Colliery Railway West Cramlington Branch of 1818. I wrote a specification for these trenches back in 2012 (specification attached – I can update this if required).

-Where archaeological remains are found in the preliminary trenches, further archaeological excavation will be needed to fully record the remains before development proceeds.

Archaeological Excavation and Recording Condition

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Post Excavation Report Condition

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition () has been submitted to and approved in writing by the Local Planning Authority. Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Publication Report Condition

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Local Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

3.11 The Coal Authority

3.12 The Coal Authority Response:

3.13 As you may be aware, we previously commented in a letter (dated 30 July 2018) to your colleague. Based on the information contained in the Geo-Environmental Study Report (22 February 2018), the content of which confirmed the site to be safe and stable from a mining viewpoint, The Coal Authority raised no objections to the planning application. This was further reinforced in that we welcomed the development layout, which had been designed around the recorded mine entries, of which have been treated.

3.14 The Coal Authority now notes the submitted Geoenvironmental Appraisal (July 2019, prepared by Sirius Geotechnical Ltd), the content of which confirms potential risks posed by mine gas within 50m of the historical shafts, and that gas protection measures will be required.

3.15 On account of the above, we agree, in principle, with their approach to gas protection measures, with a caveat that they use appropriate gas mitigation, installed by an approved contractor according to manufacturer's specification and verified following installation. In light of the above, the LPA may wish to consult their Environmental Health / Public Protection team in relation to this specific matter.

3.16 Initial comments The Coal Authority Response: Material Consideration

3.17 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

3.18 The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Geo-Environmental Study Report (22 February 2018), which accompanies this planning application.

3.19 The Coal Authority Recommendation to LPA

3.20 The Coal Authority considers that the content and conclusions of the Geo-Environmental Study Report (22 February 2018) are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The site layout has also been developed in full cognisance of the mine entries present and it is not proposed to build over these or their zones of influence. The Coal Authority therefore has no objection to the proposed development. However, furthermore detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

3.21 Police Architectural Liaison Officer

3.22 I have looked through the documents attached and can find no grounds on which to object to this from a crime prevention point of view.

3.23 Natural England

3.24 No objection – subject to appropriate mitigation being secured.

3.25 We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Northumbria Coast Special Protection Area (SPA) and Ramsar.

3.26 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required/or the following mitigation options should be secured:

3.27 The proposal has the potential to have significant adverse effect on the special interest features of the sites named above. It is advised that likely significant effects would be presented through recreational disturbance, increased by the provision of dwellings at this location. Therefore it is requested that mitigation is provided to counter this and ensure the protection of the special interest features of the above named sites.

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

3.29 Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

3.30 Further advice on mitigation

3.31 Survey data of recreational visitors to the Northumbria Coast SPA and Ramsar highlight that a high percentage of visitors reside within 10km buffer zone of the coast, with this part of the coastline offering significant opportunity for access to the aforementioned designated sites. Appropriate mitigation may take the form of various schemes and provisions and the developer should liaise with

the LPA on how to address the issue of mitigation as and where appropriate. North Tyneside have recently introduced Supplementary Planning Guidance to provide a Coastal Mitigation Service, which seeks to provide mitigation at strategy level. This initiative involves a financial contribution and the developer should liaise with the LPA to discuss the contribution to this initiative.

3.32 Protected Species

3.33 Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

3.34 Local sites and priority habitats and species

3.35 You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 170a and 174a of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geo-conservation groups or recording societies.

3.36 Priority habitats and species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped as either SSSI, on the Magic website or as Local Wildlife Sites (LWS). Lists of priority habitats and species can be provided. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be provided.

3.37 Ancient woodland and veteran trees

3.38 You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175c of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

3.39 Environmental enhancement

3.40 Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 102d, 118a, 170d, 174b and 175d of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175a of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where on site measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on site.
- Planting new tree characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and see sources for bees and birds.
- Incorporating swift boxes and bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

3.41 You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying new opportunities for new greenspace and managing existing (and new) public spaces to more wildlife friendly (e.g. by sowing wild flower strips).
- Planting additional street trees.
- Identifying any improvements to the existing public rights of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

3.42 Access and recreation

3.43 Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

3.44 Rights of Way, Access land, Coastal access and National Trails

3.45 Paragraph 98 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

3.46 Biodiversity duty

3.47 Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information can be provided.

3.48 Environment Agency

3.49 We have no objections to the above development proposal as submitted. However, we have the following comments/advice to offer:

3.50 Contaminated Land – Advice to LPA

3.51 This development appears to have been subject of past industrial activity which poses a high risk of pollution to controlled waters. However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies.
- Groundwater within important aquifers for future supply of drinking water or other environmental use.

3.52 We recommend that you refer to our published 'Guiding Principles for Land Contamination' which outlines the approach which should be adopted when managing this site's risks to the water environment. We also advise that you consult with your Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 170 of the NPPF.

3.53 National Quality Mark Scheme for Land Contamination Management – Advice to LPA

3.54 We would recommend that any reports submitted for approval to the relevant LPA are prepared under the National Quality Mark Scheme for Land Contamination (NQMS). The NQMS is a system designed by the industry led Land Forum to ensure that land contamination management works meets the necessary standards. It applies in particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information.

3.55 Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

- The work has been planned, undertaken and written up by competent people who have relevant experience and/or qualifications in their respective disciplines.
- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems.
- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies.
- The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations.
- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations.

3.56 Reports prepared under the National Quality Mark Scheme aims to provide greater confidence to the regulator that land contamination issues have been appropriately identified and suitably investigated. It also demonstrates that all necessary information has been included and reported to a sufficient high standard for regulatory decisions to be made.

3.57 If you need further support understanding the report, please seek advice from your Environmental Health/Environmental Protection Department who will be able to advise on the generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by paragraph 170 of the NPPF.

3.58 We also recommend that you consider the merits of advising the developer to continue to handle any further land contamination management work that may be required under the NQMS.

3.60 Northumbrian Water

3.61 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:

3.62 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.

3.63 How to satisfy the condition:

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained with Revised Part H of the Building Regulations 2010. Namely:

- Soakaway
- Watercourse, and finally
- Sewer

3.64 If sewer is the only option, the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a point of connection enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

3.65 Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application

can then be made for a sewer connection under Section 106 of the Water Industry Act 1991.

3.66 For information only

3.67 We can inform you that a number of public sewers cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of development.

3.68 Newcastle International Airport Limited (NIAL)

3.69 We would reiterate our comments made on 30/08/19, and on 24.04 & 10/06.

To summarise these comments:

-NIAL request the construction statement, bird strike risk assessment (BSRA) and percentage mix of berry-bearing species is submitted with subsequent applications and that we are consulted on these elements. NIAL request that these are conditioned upon planning decision and that our previous aerodrome safeguarding comments are taken into account. We would request that this approach is adopted for future applications associated with this site and any subsequent changes in design layout.

- NIAL would add that the BSRA should be applied to the management of the ecological mitigation area too.

-Noise - we would request that the informative 'The development hereby approved lies within close proximity to the designated and well-established flightpath from Newcastle International Airport. The Airport operates unrestricted flying 365 days per year, 24 hours per day' is conditioned upon planning decision.

3.70 Physical development

3.71 The site is directly under the flightpaths for aircraft which have taken off to the east and are turning south to connect to designated air corridors. However, given the average height of aircraft at this point, the proposed physical development of the site would not result in any obstacle to overflying aircraft, or interference with navigational aids.

3.72 Noise

3.73 The site is not within the Airport's most recent noise contours, which model the potential noise impact for aircraft operating from the Airport up to 2035.

Therefore, it is not expected that noise levels will be above a level which will result in significant community annoyance.

3.74 However, aircraft flying overhead will be audible. The Airport already receives noise complaints from across North Tyneside, and therefore the Airport requests that the below informative is added to a grant of planning permission, in order to make clear the existing aircraft operations which would impact the site.

The development hereby approved lies within close proximity to the designated and well-established flightpath from Newcastle International Airport. The airport operates unrestricted, flying 365 days per year, 24 hours per day. The site is also

a co-opted military airfield and therefore unrestrictedly accepts military aircraft. Properties contained within the development will be exposed to aircraft noise.

3.75 Planning Policy

3.76 Paragraph 180 of NPPF states that planning policies and decisions should aim to recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. This is especially relevant as the Airport wants to avoid development without suitable mitigation being approved too close to the Airport and its approach paths which would restrict development of the Airport as an existing business. The Masterplan and noise contours are the expression of future growth plans in terms of an expanded flight program at the Airport. Noise would therefore need to be considered in relation to current and future operations at the Airport.

3.77 Consideration should also be given to policy DM5.19 of the North Tyneside Local Plan, which states that "Proposals for development should have regard to the noise impacts arising from the Newcastle International Airport flight path as shown on the Policies Map.

3.78 Lighting

3.79 The Airport expects that all lighting be fully cut off so as to eliminate any vertical light spill into the atmosphere, which could act as a distraction for pilots on approach or departing the Airport. There is also a risk that lighting, if set out in certain patterns, could be confused as operational lighting to pilots, especially in poor visibility. Therefore, any details of permanent or temporary lighting (i.e. for construction) to be installed, which the applicant believes may distract pilots are to be consulted and approved by NIA. This should also be conditioned as part of the planning permission.

3.80 Cranes

3.81 The development site is located close to the Airports 'approach and take-off protected obstacles limitation surface. Therefore, use of cranes during construction could present a collision hazard and/or impact on the Airport protected obstacle limitation surfaces. The use of any crane above 40m in height would penetrate the surface and would require an operator's licence and the issuing of a notice to airmen for the duration of the construction period. It would also need to be fit with medium intensity lighting. If a crane or other construction equipment is required above 40m in height above ground, it is requested that the jib is only in the raised position during use, the Airport's air traffic control service is informed before use, should be fit with low intensity lighting, and work should cease during poor visibility and cloud ceilings.

3.82 The Airport request that the parameters and procedures of crane use for the scheme be set out in a crane method statement, which should be conditioned as part of a grant of planning consent. This should at least set out the following –

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid;

- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD (see Note below);
- The type of crane/equipment (e.g. Tower Crane, Mobile Crane, etc.);
- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;
- The intended dates and times of operation;
- Applicant's name and contact details.
- Proposed obstacle lighting to be installed.

3.83 Cranes used during operation may be a physical hazard to airlines, as well as potentially impacting on protected navigational surfaces. In order to assess this, NIA require the ground height of the site and an indication from the developer what the maximum height of the cranes will be.

3.84 Landscaping

3.85 Certain types of landscaping can be bird attracting, providing a habitat/feeding source for birds with the potential to result in an increase in bird strike incidences. Berry bearing species should make up no greater than 10% of the planting schedule to ensure there is no increased risk of bird strikes with aircraft operating from the Airport. The following species should not be used on site in quantities greater than 10%, in order to prevent the creation of bird attracting features on site.

Crataegus monogyna Hawthorn	Lonicera Honeysuckle
Ilex aquifolium Holly	Mahonia
Rosa canina Dog Rose	Malus Crab Apple
Berberis spp Barberry	Sorbus aucuparia Rowan
Cotoneaster	Pernettya Prickly Heath
Viburnum	Prunus avium Wild Cherry
Aucuba Buddleia	Pyracantha Firethorn
Callicarpa Beauty Berry	Rhus Sumac
Chaenomeles Japonica	Ribes Ornamental Currant
Clerodendrum	Sambucus nigra Elder
Danae Butcher's Broom	Skimmia
Daphne Euonymus Spindle	Stransvaesia
Hypericum St John's Wort	Symphoricarpus Snowberry
Lonicera Honeysuckle	Taxus Yew

3.86 NIA would require further information on the percentage mix of species on the site to determine the volume of bird attracting species.

3.87 The grouping of trees in certain arrangements can also provide a roosting habitat for species such as starlings, which can be especially hazardous to aircraft owing to the density of flocks. Therefore confirmed specific details of tree species to be planted will be required.

3.88 Any on-site skips containing source of foods for birds, including soil, should also be covered.

3.89 Bird strike assessment

3.90 Given the proximity of the site to flightpaths, a bird strike risk assessment should be undertaken to inform the development of the scheme. This should be submitted with a planning application for NIA to review.

3.91 SUDS ponds and wetlands

3.92 There is a general presumption against the creation of open water bodies within 13 km of an aerodrome, which in relation to this scheme is NIA. This is due to the increased likelihood of bird strike as a result of habitat formation within close proximity to the flight path, when aircraft are typically flying at lower level having departed or preparing for arrival at the aerodrome.

3.93 The proposal includes SUD ponds. If the basins of these ponds will be permanently wet, the Airport expect that the basin be fully planted with reeds to cover the surface of the pond with netting used as an interim measure whilst the reed planting is established. If the basin will only be wet during time of flood it is expected that it will drain rapidly (not more than 2 days). It is also expected that water pooling is avoided during construction.

3.94 NIA would like to know how often there would be an area of standing water. Any proposed wetland area is to be fully planted and netted in the interim whilst vegetation is established. The risk to aircraft through increased bird activity from wetland areas should also be considered in the birdstrike assessment. To discourage pooled water attracting hazardous bird species, the Airport expects any standing water to be removed in under 48 hours.