

Application No: 18/01373/FUL Author: Aidan Dobinson Booth
Date valid: 29 October 2018 ☎: 0191 643 6333
Target decision date: 28 January 2019 Ward: Valley

Application type: full planning application

Location: Holywell Engineering, Station Road, Backworth, NEWCASTLE UPON TYNE, NE27 0AE

Proposal: 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 (Amended Plans received 04.03.19)

Applicant: David Little Pension Trust Fund Mr Andrew Little, C/o Holywell Engineering Limited Station Road Backworth Newcastle Upon Tyne NE27 0AE

Agent: IDPartnership Northern, Hugh Daglish St Jude's Barker Street Shieldfield Newcastle Upon Tyne NE2 1AS

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 £15,500 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area and a contribution of £125,000 towards improvements at Backworth Park Primary School.

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:

Upgrade of footpaths abutting site

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

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Background

1.1 This application was due to be considered by Planning Committee on 9th July 2019, but was deferred. This was following a letter received on 8th July 2019 from The Northumberland Estates. They considered that to determine this application could prejudice their own application in respect on housing on the adjacent site of Backworth Business Park (18/01881/FUL). The Northumberland Estates sought legal advice that said that the Council would be vulnerable to legal challenge if this application was considered in isolation. They state that both applications relate to the same policy area and are affected by the same nature conservation designation and should be determined at the same time.

1.2 Given that The Northumberland Estates' application will be considered at the same Planning Committee as this application they have withdrawn their objection.

2. Main Issues

The main issues for Members to consider are;

- Principle;
- Impact of the proposal in the character and appearance of the site and its surroundings. Members need to have special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess. Members also need to pay special attention to the desirability of preserving or enhancing the character or appearance of the Backworth Conservation Area.
- Impact of noise upon existing and future occupiers;
- Whether the proposed housing would provide a sufficient residential living environment for future occupiers; and
- The impact on highway safety.

3. Description of the Site

3.1 The application site measures approximately 1.97 hectares in area. The site is previously developed land. Towards the south eastern end of the site is the former Holywell Engineering building (Backworth Lodge), which is a large red-brick two storey building with a series of pitched roofs. Backworth Lodge is mid-19th century in date and was the home of the manager of Backworth Colliery. In the late 1950s and early 1960s the Lodge was used as offices by the National Coal Board. A two-storey strong room for mining drawings was built onto the rear northern elevation and a large single storey office annexe added to the south-east.

3.2 There are a number of large mature trees situated around The Lodge Building and either side of the access roads that leads to B1322 (Station Road).

3.3 The site lies on the western fringe of the former Backworth Colliery and includes the last standing buildings of the mine. Backworth A Pit, which was located immediately north of this site opened circa 1813. It was renamed Maude Pit in 1872 and eventually closed in 1960. Backworth Colliery as a whole closed in 1980.

3.4 Dairy and Ivy Cottages are located towards the northern end of the site fronting onto the B1322 (Station Road). They were residential dwellings, both built in the early 19th century. Dairy Cottage is listed grade II. Ivy Cottage is not listed.

4. Description of the proposed development

4.1 This application seeks full planning permission for the demolition of several existing buildings. Conversion of existing Backworth Lodge, Diary Cottage and Ivy Cottage to form 4no flats and 2no. dwellings. Erection of new apartment building (13no apartments) and 27no. dwellings.

5. Relevant Planning History

20/00542/FUL – Demolition of single storey extension to the south of Backworth Lodge. Land to be made good.

Permitted 19/08.20

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 buildings (13no. apartments) and 27no. dwellings.

Pending Consideration.

02/01870/TPO – Work on various trees within Holywell Mining Station Road, Backworth, TPO, 1995

Split decision, appeal allowed 22.11.02.

98/00497/TPO – Fell 12no. trees and deadwood other trees within Group G1 and G2 of Holywell Mining, Station Road, Backworth TPO, 1995.

Permitted 08.10.98.

97/00538/TPO – Fell 2no. trees in group G2 within Holywell Mining, Station Road, Backworth, TPO, 1995.

Permitted 21.05.97.

Backworth Business Park (Land to the north east of this application)

18/00881/FUL - Construction of 67 residential dwellings (C3) including 17 affordable homes (25%) and 14 No. B1, B2 & B8 commercial units totalling 650 sqm, with associated road infrastructure, car parking spaces, open spaces, gardens and landscaping.

Pending Consideration.

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. (Amended Description 04.08.14).

Appeal Dismissed 31.08.16.

6. Development Plan

North Tyneside Local Plan 2017.

7. Government Policy

7.1 National Planning Policy Framework (February 2019)

7.2 National Planning Policy Guidance (as Amended)

7.3 Planning Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in the determination of this application. It requires local planning authorities 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

8.1 The main issues for Members to consider are;

- Principle;
- Impact of the proposal in the character and appearance of the site and its surroundings. Members need to have special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess; Members also need to pay special attention to the desirability of preserving or enhancing the character or appearance of the Backworth Conservation Area;
- Impact of noise upon existing and future occupiers;
- Whether the proposed housing would provide a sufficient residential living environment for future occupiers; and
- The impact on highway safety.

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

9. Background

9.1 An appeal following the Council's decision to refuse planning permission for 65 residential dwellings on the Backworth Business Park was dismissed in 2016. This was because the housing would have had windows permanently fixed shut and the Inspector agreed with the Council that this would not have provided acceptable living conditions for the occupiers of the houses.

9.2 An application (18/00881/FUL) which seeks full planning permission for 67 residential dwellings including 17 affordable homes and 14 No. B1, B2 and B8

commercial units totally 650 sq m, with associated road infrastructure, car parking spaces, open spaces, gardens and landscaping has also been submitted and is being considered at the same planning committee as this application. This application provides the mix of uses required by policy S4.3 (29) for the wider allocated site in the Local Plan.

10. Principle

10.1 National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development.

10.2 Paragraph 59 of NPPF states that the Government's objective is to significantly boost the supply of homes.

10.3 Policy DM1.3 states that the Council will work proactively with applicant's to jointly find solutions that mean proposal can be approved wherever possible that improve the economic, social and environmental conditions in the area.

10.4 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites.

10.5 The application is part of a larger site that is designated for a mix of uses by policy S4.3 (29) of the North Tyneside Local Plan 2017. 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 of the reasoned justification of the policy states that 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, or compensation for any adverse effects. This is discussed further in the biodiversity section of this report. However, in terms of the principle of development because the development requires appropriate assessment following the advice in paragraph 177 of National Planning Policy Framework, the presumption in favour of sustainable development does not apply. It follows therefore that that this application should be determined in accordance with the development plan, unless material considerations indicate otherwise.

10.6 Keenan's state that the application is contrary to policy S4.3 (29) of the North Tyneside Local Plan, as it seeks too many houses on this site. They state that the Local Plan identifies this site for 65 dwellings across the entire 8.5 hectare site. They state that in combination with the adjacent Backworth Business Park site there would be a total of 113 dwellings well in excess of what was envisaged in the Local Plan. They also state that there would only be residential on this site and that it would not provide a mix of uses.

10.7 Although there would not be a mix of uses on this site, as Keenan's accept that the site is allocated as whole. It is not necessary to have a mix of uses on each part of the site in order for it to comply with its allocation in the Local Plan. There is some business development proposed as part of the current application (18/00881/FUL) on the Backworth Business Park site to the north. If the entire site was to come forward and be granted planning permission without any

business development on it, that would be contrary to its allocation in the Local Plan, but that is not what is proposed. There is no reason to suggest that some form of commercial development cannot be provided on the site as whole.

10.8 The Local Plan identifies that the 8.5 hectare site overall can provide a potential of 65 units. The number given in the Local Plan is only potential and has been derived for the purposes of helping 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. Although the site would provide more housing than that indicated in the Local Plan that in itself is not harmful. The issue is whether the site can adequately accommodate the amount of housing proposed? This is considered below.

10.9 In conclusion, this site is part of a larger site that is allocated for a mix of uses. Although this site would not provide a mix of uses, alongside application 18/00881/FUL, it would. The site would provide more housing than that indicated in the Local Plan that in itself is not harmful. It is considered that the principle of developing the site part of an allocated site for housing is acceptable in accordance with the advice in NPPF and policies DM1.3, S4.1 and S4.3 (29) of the North Tyneside Local Plan 2017.

11. North Tyneside Council Housing Land Supply

11.1 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.

11.2 The most up to date assessment of housing land supply is 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 supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017).

11.3 The potential housing land supply from this proposal is partially included in the Council's Strategic Housing Land Availability Assessment (SHLAA) (ref 66) where it is part of a larger site identified for 65 units. However, if the remainder of the site (Backworth Business Park) was developed for a mix of uses it is likely to result in more housing than identified in the SHLAA, adding further choice as advised by NPPF.

12. Trees and Biodiversity

12.1 An environmental role is one the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as a part of this helping to improve biodiversity amongst other matters.

12.2 Paragraphs 170 and 174 of NPPF seek that planning decisions should contribute to and enhance the local environment by amongst other matters protecting and enhancing valued landscapes.

12.3 Paragraph 175 of NPPF states that when determining planning applications that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.4 Paragraph 177 of NPPF states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

12.5 Policy DM5.5 of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

12.6 Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected having regard to their relative significance.

12.7 DM5.6 of the Local Plan 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 site's integrity can only proceed were there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

12.8 Policy DM5.7 states that development proposals within a wildlife corridor must protect and enhance the quality and connectivity of it.

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

12.10 Natural England have been consulted and states that the development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/Special Areas of Conservation/Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

12.11 Northumberland County Council operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone. North Tyneside Council has adopted a Coastal Mitigation Supplementary Planning Document (SPD) (2019).

12.12 Natural England conclude by stating that subject to appropriate mitigation being secured they are satisfied that there will be no damage or disturbance to the interest features of these sites.

12.13 The trees on site are currently protected either by being within a Conservation Area, or a tree preservation order (Holywell Mining Station Road, Backworth, Tree Preservation Order, 1995). The trees collectively make a significant contribution to the general character and amenity of the area, creating a mature landscape setting.

12.14 The proposal would require the removal of 12 individual trees and 3 groups of trees (groups 2, 4 and 5). Two of these groups (2 and 4) are part of the Eccles Colliery Local Wildlife Site. Of those to be removed 8 trees are classified as Category B and the remaining 4 trees and 1 group of trees are classified as Category C. Category B trees are those of moderate quality and value, and of a condition that they make a substantial contribution to the site. Category C trees are considered to be of a low quality and value, but of an adequate condition to remain in the short term.

12.15 The Council's Landscape Architect has been consulted and objects for the following reasons;

- loss of trees due to the proposed layout;
- construction within root protection areas;
- Location of utility runs within root protection areas;
- damage to trees within the site during the demolition and construction;
- pruning trees to create clearance to structures and gardens;
- Damage to structures from trees.

12.16 The Council's Biodiversity Officer also objects for the following reasons;

- the proposal will result in a direct impact on a Local Wildlife Site (Eccles Colliery) through the loss of habitat within the site.
- constructional and operational impacts to the adjacent Local Wildlife Site associated with noise, lighting and recreational disturbance with no acknowledgement of appropriate buffer zones.
- potential cumulative impact of development in this area on Eccles Colliery Local Wildlife Site.
- Loss of trees protected by a Tree Preservation Order (TPO) and of value as protected species habitat.
- Impacts on the Root Protection Areas of numerous trees protected by a Tree Preservation Order (TPO) to facilitate parking, footpaths, road widening and installation of drainage and utilities.
- Impacts of trees protected by a TPO as a result of their proximity to residential units 11-17 and future pressures for removal or excessive pruning that would be associated with this.

No detailed Landscape Mitigation Scheme has been submitted to address the impacts of this scheme.

12.17 The Council's Biodiversity Officer concludes by stating that the proposal is in her opinion contrary to policies S5.4, DM5.5, DM5.7 and the advice in paragraphs 170, 174 and 175 of NPPF.

12.18 With the exception of 1 tree (Category C) all of the trees that would be removed are positioned to the rear of the site and therefore the treescape along the important B1322 would not be adversely affected. All Category A trees would be retained. The loss of trees to the rear of the site away from the main Station

Road, would not adversely affect the character and appearance of the site or the wider consideration area.

12.19 Although there would be a loss of some trees, the mature landscape setting would be retained. Additional planting is proposed to provide mitigation for the trees that would be lost. The applicant proposes to plant 31 new trees and overall this would result in a net gain in the number of trees. This additional planting would take time to mature, in order to fully mitigate for the trees that would be lost. However, the overall condition and extent of the trees on the site would be protected and the proposal would not conflict with policy DM5.9.

12.20 Those people using the footpaths to the south and east would undoubtedly notice a difference when walking close to the site. Currently, the site is vacant and many of the buildings are derelict. In its current state, it detracts rather than enhances the character and appearance of the conservation area. Those using the footpaths to the south of the site can already see the Lodge especially during winter months. They would see more buildings, but the site would be in an active and beneficial use rather than vacant and partly derelict. It is not the case that they would see buildings where previously there were none. There would be more buildings and in close proximity to the footpaths, however through the proposed landscape mitigation, it would not have a harmful impact.

12.21 Plots 10-14 do have small rear gardens. Plots 10 and 11 would have the crown spread of the trees overhanging their rear gardens. It may be the case that those occupiers of these plots seek to have the crowns of these trees reduced. However, even if this was the case significant tree cover would remain. The sense of the dwelling being set within a mature landscape setting would remain and it would not adversely affect the character and appearance of the site, or its surroundings.

12.21 Bat surveys concluded that building 6 (The Lodge, which is to be retained) is used as a day roost by small numbers of common pipistrelle bats and that the site is of local value to the local bat population. Mitigation is proposed in terms of external lighting and this can be controlled by a condition. The applicant has also said that they will not commence works to building 6 until they have obtained a licence from Natural England. It is not the role of the planning system to seek to duplicate or enforce other areas of legislation. However, subject to conditions the proposal would avoid having an adverse impact.

12.22 The Council's Biodiversity Officer has questioned the need for the paths shown through the woodland area to the south of the apartments. Subject to careful construction for example by a no-dig method which could be conditioned, the trees in this area should not be adversely affected. It will provide a pleasant route for residents to be able to enjoy the outdoors.

12.23 Adverse impacts from lighting could be avoided by a condition requiring the details to be submitted to and approved by the local planning authority.

12.24 The south east corner of the site which is part of the Local Wildlife Site (LWS) comprises an area of broadleaved woodland. The Eccles Colliery and Extension Local Wildlife Site is designated for the presence of species rich

grassland, not woodland. There is also a clearly defined boundary along the eastern edge with the mound and ridge that separates the site from the wider Local Wildlife Site.

12.25 In conclusion, subject to conditions and a S106 contribution towards coastal mitigation it is considered that the proposal would not have an adverse impact on biodiversity, or on existing trees. Some trees would be lost and new trees would be planted. These would take time to mature, however the development would still provide a well-landscaped setting, which would avoid harm to biodiversity in accordance with the advice in NPPF, policies S5.4, DM5.5, DM5.6, DM5.7 and DM5.9. Members need to consider whether they agree.

13 Contamination and Land Stability

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

13.2 Policy DM5.18 of the Local Plan states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which shows that investigations have been carried out and that detailed measures to allow the development to go ahead safely and without adverse effect.

13.3 The applicant has submitted a Preliminary Environmental Risk Assessment. This concludes that the site is considered to represent a low to moderate geotechnical and contamination risk. The site is considered to pose a negligible risk to controlled waters and a low to moderate risk in terms of ground gas.

13.4 The Council's Contaminated Land Officer states that the site is within an area of known mining and unknown filled ground. Due to the sensitive end use and historical use of the area the Contaminated Land Officer recommends conditions to deal with any contamination that may be present and to deal with any ground gas.

13.5 Subject to conditions, it is therefore considered that the site would be appropriate for its use for housing in accordance with the advice in NPPF and policy DM5.18 of the Local Plan. Members need to consider whether they agree.

14. Flooding

14.1 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.

14.2 Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been undertaken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

14.3 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. 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 the 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.

14.4 The applicant has submitted a Flood Risk Assessment (FRA), which concludes that the site is located within Flood Zone 1 (lowest risk) and there are areas of the site indicated to be at low to medium risk of surface water flooding.

14.5 The Council's Local Lead Flood Authority (LLFA) has been consulted and recommends conditional approval.

14.6 In conclusion in terms of the principle, the application site is allocated as a mixed-use site according to the North Tyneside Local Plan 2017. The proposal in combination with the Backworth Business Park if it was granted planning permission would provide a mix of uses, it would provide more housing than that identified in the Local Plan. This in itself is not harmful and the proposal would accord with the advice in NPPF and policies DM1.3, S4.1, S4.3(29), DM5.5, DM5.6, DM5.9, DM5.19, DM5.12 and DM5.14 of the Local Plan. Members need to consider whether they agree.

15. Character and appearance

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

15.2 Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (para. 130). In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standards of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

15.3 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 asset's 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.

15.4 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

15.5 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

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

15.7 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.'

15.8 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis of the characteristics of the site, its wider context and the surrounding area.

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

15.10 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 of heritage assets in an appropriate manner.

15.11 The Council has produced an SPD on Design Quality (May, 2018) which seeks to encourage innovation in design and layout, and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

15.12 The Backworth Village Conservation Area was designated in 1974; however, there is no character appraisal.

15.13 In terms of the Lodge the proposal seeks to retain it. The Lodge is of historic and architectural merit and social historical interest. It is a non-designated heritage asset in accordance with paragraph 197 of NPPF.

15.14 The single storey flat roofed annex non-original extension of the Lodge has planning permission to be removed and this is supported by the County Archaeologist.

15.15 The Design Officer states that Ivy Cottage, Dairy Cottage and Backworth Lodge are important features of the Backworth Conservation Area and their restoration is a highly positive aspect of the scheme.

15.16 The Design Officer goes onto state that the new units around Dairy and Ivy Cottage are proposed to be 1.5 storeys high (providing accommodation in the roofspace). This is considered to be appropriate around the single storey heritage assets. This will help to maintain the prominence of the heritage assets along Station Road. There are some larger two storey dwellings, however these would be set back within the site to minimise their impact.

15.17 The Design Officer considers that the new apartment building would complement Backworth Lodge. Although it would have a larger footprint, it would be set back from the building line of the Lodge, so that it would appear subservient in order to maintain the setting and views towards it.

15.18 The site entrance would maintain the tree lined access and approach to Backworth Lodge. The central wooded area of trees would also be retained, which would maintain the character and setting of Backworth Lodge and the conservation area, as being within a mature landscape setting.

15.19 There are new dwellings proposed in the southern end of the site, which would be 1.5 storeys in height. This would help to mitigate the impact upon the approach to the Backworth Conservation Area from the south. There would also be a landscaped buffer to the rear of the properties that would provide an adequate buffer in order to reduce the visual impact.

15.20 Historic England states that the development would result in an increased suburban character at the edge of the settlement and conservation area, but through reinforcing the line of the road and keeping the secluded aspect of the Lodge intact, this effect would be managed well and not seen incongruous.

15.21 In conclusion, it is officer advice that the application would preserve the heritage assets on this site and the wider character and appearance of the Backworth Conservation Area. The new development is sympathetic and the design and appearance of the properties is considered acceptable in accordance with the advice in NPPF and policies DM6.1, S6.5, DM6.6 and the Design Quality SPD.

16 Noise

16.1 Paragraph 180 of 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. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.

16.2 Paragraph 182 of NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with the existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.

16.3 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.

16.4 Policy DM5.19 states that development proposals that may cause pollution either individually or cumulatively of amongst other matters noise, will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive such as housing to potentially polluting sources will not be sited in proximity to such sources.

16.5 There are two issues to be considered with regards to noise. Firstly, will the proposal have a significant adverse impact upon existing businesses in the vicinity and secondly whether the proposed residential units can be provided with a satisfactory living environment that it not adversely affected by noise?

16.6 The Manager of Environmental Health (Pollution) has been consulted and states that she has reviewed the noise report, which includes two continuous 24-hour period of noise monitoring. She says that noise from the existing Keenan's operation was not evident during the noise monitoring at any of the noise monitoring locations. The Manager of Environmental Health (Pollution) considers that it is likely that the Keenan's building is screening any of the noise monitoring locations. The dominant noise affecting the site is road traffic from the B1322.

16.7 Keenan's have industrial land to the side of their building, which is adjacent to the development site, which is currently not in use and would require surfacing to allow vehicle use. The Manager of Environmental Health states that if this area was used for storage there could be noise from the use of fork-lift trucks and delivery activities. The noise assessment determined that if the land was utilised by Keenan's the noise from the activities along the night time period would give rise to significant adverse impact, as the rating level of the potential activities was assessed as 53dB, which is 17 decibels above the background of 36 dB L9015min.

16.8 A number of the properties on the eastern boundary will be affected by the potential noise if the industrial land is used. If residents choose to open windows, then the potential noise level will be in the region of 38 dBLAeq during the nighttime period and give rise to sleep disturbance.

16.9 The Manager of Environmental Health says it will be necessary to provide mechanical heat recovery ventilation to prevent the opening of windows, but residents would still have the choice to open their windows should they wish, which will result in them potentially being disturbed by noise. The Manager of Environmental Health states that the proposed mitigation would allow residents to sleep, however this would not prevent complaints and will hamper potential growth of the business as open hardstanding for storage will only be possible if the business took steps to mitigate noise from fork lift trucks by electric run engines and hush alarms. The Manager of Environmental Health does not object and recommends a number of conditions.

16.10 The previous appeal on the adjacent Backworth Business Park site has determined that having windows permanently fixed shut would not provide an acceptable residential living environment for future occupiers. It is proposed to have openable windows on this site, but also to provide mechanical heat recovery, so residents can cool their homes without needing to open their windows.

16.11 The Inspectors Report into the Local Plan states that, ‘the evidence points to the need to avoid housing in close proximity [to Keenan’s], but I do not consider that it effectively sterilises the entire site from accommodating the relatively modest amount of housing proposed. The Inspector concludes by stating that 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. Although there would be more dwellings on the site than initially envisaged by the Inspector, subject to conditions this can be achieved without causing harm to existing businesses, or future occupiers of the new residential units.

16.12 It is considered on balance and subject to conditions that the proposal would provide suitable residential environment in terms of noise, without adversely affecting existing businesses. It is considered that the new development could be integrated effectively with the existing businesses and that the existing businesses would not have unreasonable restrictions placed on them as a result. Members need to consider whether they agree. It is officer advice that the proposal would accord with the advice in NPPF and policies S1.4 and DM5.19 of the Local Plan.

17. Residential living conditions for future occupiers

17.1 Policy DM6.1 states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; as safe environment that reduces opportunities for crime and anti-social behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

17.2 Policy DM4.9 seeks to ensure that new homes provide quality living environments for residents. 50% of homes are to meet building regulation M4(2) – ‘Category 2 – accessible and adaptable dwellings.’ The policy also requires all new homes to meet the Government’s Nationally Described Space Standard (NDSS).

17.3 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.

17.4 All units satisfy the overall requirements of the Nationally Described Space Standards (NDSS) and 50% of the units meet M4(2) policy requirement. The proposal would comply with policy DM4.9.

18. Highway Safety

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

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

18.3 Policy DM7.4 states that the number of cycle and parking spaces provided in accordance with the standards set out in the Transport and Highways SPD (LDD12).

18.4 Policy DM7.9 states that all developments are expected to ensure a suitable location for the storage and collection of waste.

18.5 The Highway Network Manager has been consulted and states that the existing access from Station Road is being utilised and a new access will be provided to the north. Parking has been provided in accordance with the current standards and suitable areas for turning a refuse vehicle. Improvements to sustainable links to school and public transport will be required to make the site safe to access by pedestrians. He recommends conditional approval. Subject to conditions, it is considered that the proposal would not have an adverse impact upon highway safety and that the residual cumulative impacts on the road network would not be severe. The proposal would comply with the advice in NPPF and policies DM7.4, DM7.9 and Transport and Highways SPD.

19 Other Matters

19.1 S106 Contributions

19.2 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.

19.3 Paragraph 56 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.

19.4 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.

19.5 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.

19.6 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.

19.7 The applicant has submitted a viability appraisal and this has been subject to an independent assessment. This assessment concludes that the scheme would not be viable if all of the contributions sought were provided. Notwithstanding this, the scheme is liable for Community Infrastructure Levy, which would be £87,913. The applicant has agreed to provide the necessary contributions towards primary education of £125,000 towards Backworth Park Primary School and Coastal Mitigation of £15,500. These contributions are considered to meet the CIL tests and are necessary to ensure that the site is socially and environmentally sustainable.

20. Local Financial Considerations

20.1 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).

20.2 The proposal involves the creation of 46 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

20.3 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 Government.

21. Conclusions

21.1 In conclusion, this is a previously developed site with a number of buildings which are in a poor condition and vacant. It is undesirable to have such buildings vacant for a protracted period of time, as they detract from the character and appearance of the conservation area. The proposal would ensure the restoration of the Grade II listed Dairy Cottage and the un-designated heritage assets of Ivy Cottage and Backworth Lodge. It would also provide new housing and subject to conditions would not have an adverse impact upon existing businesses. The development would retain a number of trees and secure new planting that would ensure that the housing is provided in a mature landscape setting. The new housing would provide an acceptable residential living environment for future occupiers and avoid having an adverse impact on highway safety. On balance, it is recommended that planning permission should be granted subject to conditions.

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 £15,500 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area and a contribution of £125,000 towards improvements at Backworth Park Primary School.

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:

Upgrade of footpaths abutting site

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

Conditions/Reasons

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

Planning Application Form dated 02.01.19.

Location Plan, Drawing No. PL01

Proposed Site Plan, Drawing No. PL01 (A)

Proposed Roof Plan, Drawing No. PL02(A)

Proposed Streetscenes, Drawing No. PL03

Elevation Treatments, Drawing No. PL04

Proposed Boundary Treatment Plan, Drawing No. PL05

Proposed Hard Surfaces Plan, Drawing No. PL06(A)

Proposed Plans & Elevations (Mining Offices), Drawing No. PL23

Proposed Apartment Block Plans, Drawing No. PL31

Proposed Apartment Block Elevations, Drawing No. PL32

House Type Booklet, Rev 5. Dated Feb. '19

Flood Risk Assessment and Drainage Strategy, dated 29 June 2018, Rev

Bat and Great Crested Newt Survey, Backworth, July 2018

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. Prior to the first occupation of any of the dwellings/apartments hereby permitted a noise scheme for acoustic glazing scheme in accordance with noise report no. IDP/HE/005 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 World Health Organisation community noise guidelines and 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, the development shall be carried out in accordance with the approved details.

Reason: To ensure an acceptable residential living environment for future occupiers in accordance with policy DM5.19 of the Local Plan 2017.

4. Prior to the first occupation of any of the dwellings/apartments hereby permitted 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 a window open due to the external noise environment, and 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 comprise the facade insulation or the resulting internal noise levels. This shall thereafter be retained.

Reason: To ensure an acceptable residential living environment for future occupiers in accordance with policy DM5.19 of the Local Plan 2017.

5. Prior to the first occupation of any of the dwellings/apartments hereby permitted, the acoustic screening serving the eastern boundary and gardens facing the B1322 must be installed in accordance with boundary treatments plan no.N81:2173 PL05 to screen any potential noise from Keenans industrial unit and road traffic noise on the B1322. This shall thereafter be retained.

Reason: To ensure an acceptable residential living environment for future occupiers in accordance with policy DM5.19 of the Local Plan 2017

6. Restrict Hours No Construction Sun BH HOU00 *

4

7. Restrict Hours No Demolition Sun BH HOU00 *

5

8. 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.

11. None of the dwellings/apartments around the edge of the site hereby permitted shall be first occupied until details of bat roosting features have been submitted to and approved in writing by the local planning authority. The bat roosting features approved shall be provided in accordance with the approved details prior to any of the dwellings/apartments around the edge of the site being first occupied.

Reason: In the interests of biodiversity in accordance with advice in National Planning Policy Framework (2019).

12. During the construction phase of the development hereby permitted any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angles no greater than degrees.

Reason: In the interests of biodiversity in accordance with advice in National Planning Policy Framework (2019).

13. Prior to any of the works hereby permitted commencing on buildings 1-5 a detailed method statement in order to minimise the risk of causing harm to bats shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity in accordance with advice in National Planning Policy Framework (2019).

14. Prior to the commencement of the development hereby permitted 4 bat boxes (improved crevice or similar) will be erected in adjacent trees within the site owner's landholding, to provide alternative roost sites. Boxes will be erected as high as possible, ideally at a minimum height of 4m.

Reason: In the interests of biodiversity in accordance with advice in National Planning Policy Framework (2019).

15. No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 199 of the, National Planning Policy Framework (2019), North Tyneside Local Plan (2017) policies S6.5, DM6.6 and DM6.7.

16. No groundworks or development shall commence until a programme of archaeological fieldwork (to include topographic survey or ridge and furrow earthworks, evaluation trenching 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 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 the paragraph 199 of National Planning Policy Framework (2019), North Tyneside Local Plan (2017) policies S6.5, DM6.6 and DM6.7.

17. The buildings shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 16 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is 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 National Planning Policy Framework (2019), North Tyneside Local Plan (2017) policies S6.5, DM6.6 and DM6.7.

18. 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 the submission to the editor of the journal.

Reason: The site is 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 169 of the National Planning Policy Framework (2019), North Tyneside Local Plan policies S6.5, DM6.6 and DM6.7.

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

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

20. Altered Access Access Alt Prior to Occ	ACC01	*
	5	
21. Exist Access Closure Misc Points By	ACC01	*
	7	
22. Turning Areas Before Occ	ACC02	*refuse vehicles
	5	
23. Veh Parking Garaging before Occ	PAR04	*DM7.4
24. Refuse Storage Detail Provide Before Occ	REF00	*
	1	
25. Construction Method Statement - Major	SIT007	*
26. Wheel Wash	SIT008	*

27. No part of the development shall be occupied until a scheme to manage refuse collection has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety in accordance with policy DM7.4 of the North Tyneside Local Plan 2017.

28. No part of the development shall be occupied until a scheme to manage parking has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety in accordance with policy DM7.4 of the North Tyneside Local Plan 2017.

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

Reason: In the interests of highway safety in accordance with policy DM7.4 of the North Tyneside Local Plan 2017.

30. No development above damp proof course shall commence until an amended drainage strategy has been submitted to and approved by in writing the Local Planning Authority. This scheme shall utilise the existing highway drain and outfall into Brierdene Burn. Thereafter, this scheme shall be implemented in accordance with the approved details and retained for the entire duration of the construction period.

Reason: In the interests of surface water management in accordance with policy DM5.14 of the North Tyneside Local Plan 2017.

31. No development shall commence until a scheme and methodology for pollution control during the construction period has been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained for the entire duration of the construction period.

Reason: This condition needs to be pre-commencement to ensure that sufficient details have been approved and are in place to prevent pollution of a watercourse during the construction period in accordance with policy DM5.19 of the North Tyneside Local Plan 2017.

32. Notwithstanding Condition 1, prior to the commencement of the development details of a scheme to reinstate the culvert to the west of the site, including a timetable for the submission of a CCTV survey following completion of the culvert reinstatement works, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full accordance with these agreed details prior to the occupation of any dwelling.

Reason: This needs to be pre-commencement so that the works to the culvert can be agreed in advance of the development in order to help manage flood risk having regard to the advice in National Planning Policy Framework 2019.

33. Flood Lighting Scheme Details

LIG001 *

34. 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).

35. Prior to commencement of works starting on site, the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Tree Protection Plan and Arboricultural Method Statement submitted by All About Trees unless otherwise agreed 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).

36. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted to and approved in writing by the Local Planning Authority prior to any tree felling or pruning works take place.

Reason: In order to safeguard existing trees and the amenity of the site and locality having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

37. Prior to any of the residential units being built above damp proof course, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth).

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

38. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a standard in accordance with the relevant recommendations of British Standard [4428:1989] including all planting, seeding or turfing. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning

Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

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

39. No vegetation removal will take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: In the interests of biodiversity and in accordance with the advice in National Planning Policy Framework (NPPF) (2019).

40. No construction above ground level shall take place, until the following details and a timescale for their implementation have been submitted to and approved in writing by the Local Planning Authority:

- 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, 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).

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

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

Contact ERH Construct Highway Access (I05)

No Doors Gates to Project Over Highways (I10)

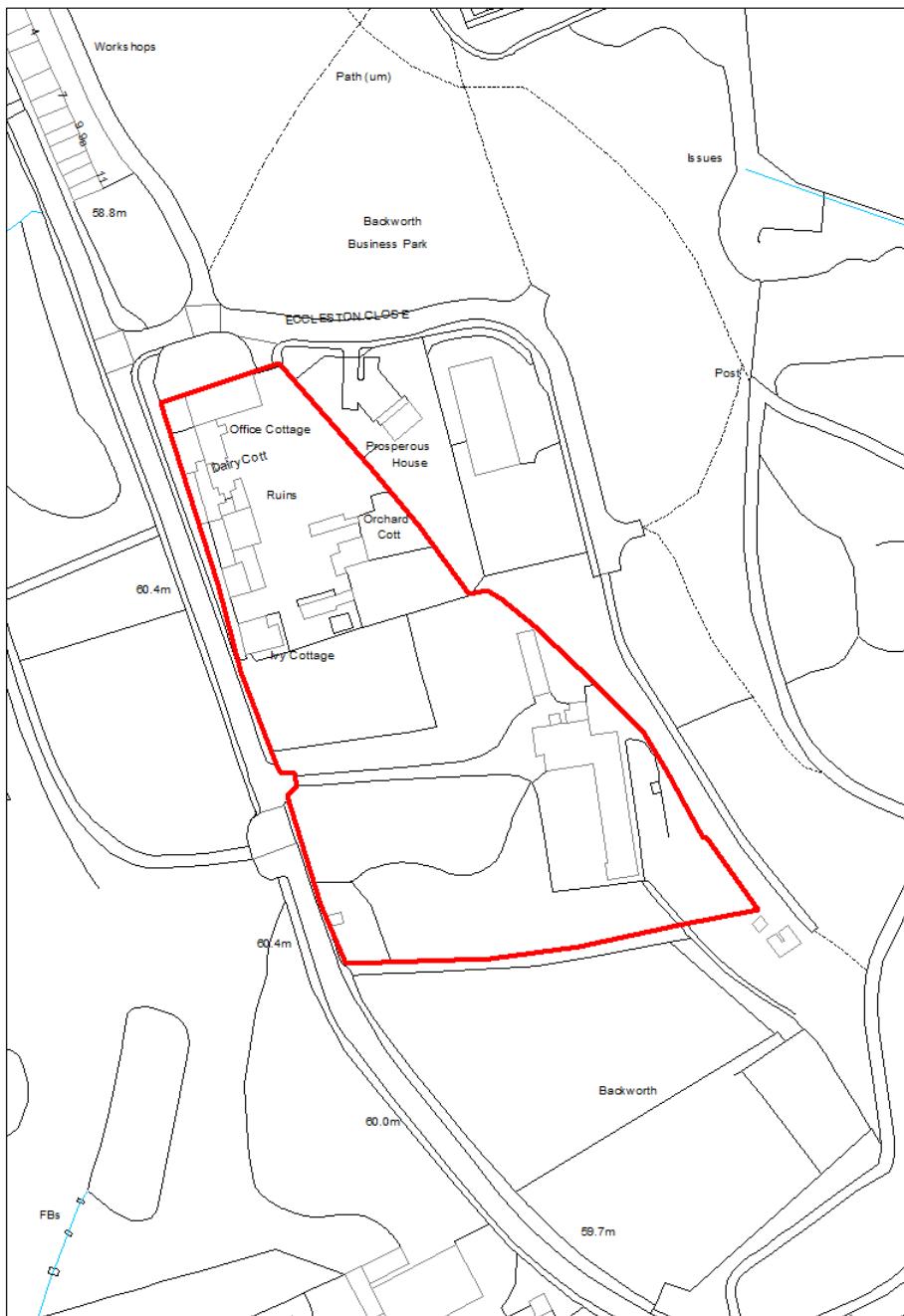
Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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

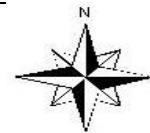


Application reference: 18/01373/FUL

Location: Holywell Engineering, Station Road, Backworth

Proposal: 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 (Amended Plans received 04.03.19)

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Date: 17.09.2020	



Appendix 1 – 18/01373/FUL
Item 2

Consultations/representations

Internal Consultees

1. Highway Network Manager

1.1 This application is for the demolition of several existing buildings, conversion of the existing Backworth Lodge, Dairy Cottage & Ivy Cottage to form 4 flats and 2 dwellings, erection of a new apartment building (13 apartments) and 27 dwellings. The existing access from Station Road is being utilised and a new access will be provided to the north. Parking has been provided in accordance with current standards and suitable areas for turning a refuse vehicle. 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.

1.2 Recommendation - Conditional Approval

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

1.4 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

1.5 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

1.6 No part of the development shall be occupied until a scheme to manage refuse collection has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

1.7 No part of the development shall be occupied until a scheme to manage parking has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

1.9 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

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

2. Manager of Environmental Health (Pollution)

2.1 Thank you for consulting Pollution with regard to this application for the 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. I have concerns with regard to noise affecting the proposed residential development from the adjacent industrial site consisting of Keenan's potato processing factory. The factory operates early morning and associated noise arises from articulated lorry movements, forklift truck movements used for the loading and unloading delivery operations, customer noise on a Saturday from the retail sales ancillary operation. This will give rise to slamming doors and car boots and raised voices from customers to the site.

2.2 I have viewed the noise report. Two continuous 24-hour periods of noise monitoring have been carried out as part of the assessment. Noise from the existing Keenan's operation was not evident during the noise monitoring at any of the noise monitoring locations. It is likely that the Keenan's building is screening any noise arising from the early morning activities. The dominant noise affecting the site is considered to be road traffic noise from the B1322.

2.3 The noise monitoring was representative of the current activities at the site.

2.4 Keenan's have industrial land to the side of their building which is adjacent to this development site, which is currently not in use and would require surfacing to allow vehicle use, but has the potential to be used in the near future. A visit to

the area on the 17th January 2019 confirmed that the land was not in use except for 2 storage containers accessed via service road and door to the units screened from the proposed development. No noise issues from these storage units were determined from monitoring carried out in the noise report.

2.5 There however continues to be concern that if the current land owned by Keenan's was utilised for storage there could be noise from the use of fork lift truck and delivery activities. The noise assessment has considered this potential noise source and assessed the potential noise in accordance to BS4142. This assessment determined that if the land was utilised by Keenan's the noise from the activities during the night period would give rise to significant adverse impact as the rating level of the potential activities was assessed as 53 dB, which is 17 decibels above the background of 36 dB L9015min.

2.6 A number of the properties on the eastern boundary will be affected by this potential noise if the industrial land is utilised. If residents have open windows then the potential noise level will be in the region of 38 dB LAeq during the night period and give rise to sleep disturbance.

2.7 It will be necessary to provide mechanical heat recovery ventilation to prevent opening of windows, but residents will still have the choice to open their windows which will result in them potentially being disturbed by the noise. I would therefore advise that mechanical ventilation is provided for properties where the internal noise levels cannot be achieved to meet a level of 30 dB LAeq 8hr for bedrooms at night and 35 dB LAeq16 hr for daytime, with open window.

2.8 The noise from potential use of land by Keenan's and restriction on business is a material consideration. The mitigation proposed would allow residents to sleep however this would not prevent complaints and will hamper potential growth of business as open hard standing for storage only if business took no steps to mitigate noise from fork lift by use of electric run engine and hush alarms.

2.9 I would also be concerned about any security lighting from the Keenan's site as it is operational from around 4am. This may give rise to potential nuisance for the proposed residential properties. This must be considered within any planning application to ensure the buildings are suitably positioned or screened to prevent any glare and illuminance into habitable windows from any lighting arising from the industrial estate when assessed in accordance to the Institute of Lighting Engineers guidance for the Reduction of Light Pollution.

2.10 Screening for road traffic noise for any garden areas with line of sight of Station Road will be required, as outlined within the noise report, and this will need to be conditioned. I note that there is a 2m high wall to the eastern boundary; if the height of this wall varies and sections are lower than the 2 metres it will be necessary to increase the height to achieve this height. This would need to be conditioned.

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

2.12 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. IDP/HE/005. 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.

2.13 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.

2.14 Prior to occupation, the acoustic screening serving the eastern boundary and gardens facing the B1322 must be installed in accordance to boundary treatments plan no. N81:2173 PL05 to screen any potential noise from Keenan's industrial unit and road traffic noise on the B1322.

HOU04

HOU05

SIT03

3. Local Lead Flood Authority

3.1 This application is for the demolition of several existing buildings, conversion of the existing Backworth Lodge, Diary Cottage & Ivy Cottage to form 4 flats & 2 dwellings and the erection of a new apartment building consisting of 13 apartments and 27 dwellings.

3.2 The applicant is proposing to use a variety of attenuation techniques within their site to store and control the surface water which includes an attenuation pond, underground storage tank, large diameter sewer & permeable paving.

They are also proposing two points of discharge from the site, one which will discharge into an existing surface water sewer located within Eccleston Close at a restricted discharge rate of 5 litres per second and the other point of discharge being via a newly constructed 225mm diameter surface water sewer on Station Road which will then discharge into the Brierdene Burn at a restricted rate of 5 litres per second. Details of the proposed maintenance schedule for all the surface water features within the site have also been submitted. Whilst there are potential issues with the highway drain, in all likelihood it would be more cost effective to repair this drain rather than installing a whole new drainage run. This approach has been used with other sites where the applicant has carried out a CCTV survey of the highway drain and supplied the LLFA with the survey results. Following these repairs the applicant will be able to discharge into this drain which we could then look to alter its designation to a surface water sewer

so it becomes a Northumbrian Water asset. Conditional Approval is recommended.

3.3 Recommendation - Conditional Approval

3.4 Conditions:

3.5 No development shall commence until an amended drainage strategy has been submitted to and approved by in writing the Local Planning Authority. This scheme shall utilise the existing highway drain and outfall into Brierdene Burn. Thereafter, this scheme shall be implemented in accordance with the approved details and retained for the entire duration of the construction period.

Reason: In the interests of surface water management.

3.6 No development shall commence until a scheme & methodology for pollution control during the construction period has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained for the entire duration of the construction period.

Reason: In the interests of surface water management.

3.7 Notwithstanding Condition 1, prior to the commencement of any development details of a scheme to reinstate the culvert to the west of the site, including a timetable for the submission of a CCTV survey following completion of the culvert reinstatement works, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full accordance with these agreed details prior to the occupation of any dwelling.

Reason: In the interests of managing flood risk having regard to NPPF.

4. Manager of Environmental Health (Contaminated Land Officer)

4.1 The site is within an area of known mining and unknown filled ground. Due to the sensitive end use and historic use of the area of the following must be applied.

CON01

GAS006.

5. Biodiversity Officer

5.1 The application is located on land at Holywell Engineering, Backworth. The site comprises buildings and hard standing to the north and mature woodland/trees to the south which are protected by a Tree Preservation Order. Part of the development site (in the south west corner), is within the Eccles Colliery Local Wildlife Site (LWS). The site is bordered by grazed fields to the south, Station Road and Backworth Golf Course to the west and Eccles Colliery LWS to the east of the site. All of the land adjacent to this site is within a designated wildlife corridor.

5.2 Arboricultural Impact Assessment (AIA)

The trees and tree groups within the site are protected by a TPO. The AIA concludes that to facilitate the scheme, 12 trees and 3 tree groups are required to be removed. Two of these groups (2 and 4) are part of the Eccles Colliery Local Wildlife Site and form part of the boundary planting to this wildlife site. A number

of individual trees also within the Local Wildlife Site boundary are shown to be removed, the majority of which are Category B trees with one Category A.

5.3 In addition to these tree and tree group removals, the AIA states that numerous trees within the site have the potential to be impacted by the scheme (from building development) and therefore, require no-dig construction techniques to be undertaken to prevent further tree loss or impacts to those trees which are retained within the site. The main works requires that will impact on the RPA's of trees on site include:- access, car parking, road widening of the entrance and the installation of drainage services. In addition, new informal footpaths to be incorporated amongst the trees to the south of the site which creates unnecessary disturbance to trees in this area and I would question the need for these paths on this location.

5.4 There are also concerns regarding this scheme in relation to the above AIA. This relates to:-

- the loss of trees and tree groups protected by a tree preservation order and of good quality (Category B).
- impacts to the RPA's trees of numerous trees within the site as a result of the works associated with the scheme.
- Proximity of the trees to a number of residential units that will create over shading issues and be vulnerable to removal or excessive pruning in the future.
- Loss of trees and tree groups within the Local Wildlife Site
- Loss of bat foraging and commuting habitat.

5.5 Ecological Survey – Extended Phase 1 Habitat Survey

The above survey was undertaken to assess the impacts of the proposed scheme on habitats and species within and adjacent to the site. The report states that the northern part of the site is dominated by ephemeral grassland and a series of buildings, whilst the southern part of the site is comprised of broadleaf woodland. Bat risk assessments of the six buildings on site found that four of these were of moderate risk and the remaining two were low risk. All buildings therefore require further survey work to be undertaken to ascertain whether bats were roosting in any of these buildings. None of the trees within the proposed development site were assessed as having features suitable for roosting bats.

5.6 The report states that impacts from the scheme include construction and operational impacts that extend beyond the site boundary such as those associated with noise, lighting and recreation. Section 4.7 states that impacts on bats may occur as a result of increase in artificial lighting, particularly it its illuminates habitats used by bats.

5.7 The report states that Eccles Colliery LWS is located adjacent to the site, however, the south eastern section of this development is within the boundary of the Local Wildlife Site and therefore there is a direct impact from these scheme on the Local Wildlife Site through the loss of trees/woodland.

5.8 Ecological Survey – Bat and Great Crested Newt Survey (GCN)

The above surveys were undertaken to assess whether there were any bat roosts in any of the buildings on site and to assess the risk of great crested newt in the vicinity of the site.

5.9 Bat surveys recorded a common pipistrelle roost in Building 6 with high levels of bat foraging activity around this building. There were also moderate levels of common pipisterelle foraging and commuting associated with the north of the site.

5.10 eDNA assessment was undertaken on pond 1 to the east of the site (within Eccles Colliery LWS) for great crested newt. This confirmed an absence of great crested nests from the pond, however, the survey found that the pond provided excellent breeding opportunities for the species based on the HSI assessment.

5.11 The impacts of the development on bats and GCN were summarised as following:-

- Causing harm and disturbance to small numbers of common pipsterelle bats within building 6 which may be present at the time of demolition.
- The destruction of a day roost used by small numbers of common pipistrelle within building 6.
- Disturbance or harm to a small number of bats that have a low residual risk of using buildings 1-5 at the time of the demolition works.
- Potential harm to nesting birds should demolition works be undertaken during the breeding season (March to August inclusive).
- The loss of a number of potential bat roost sites associated with gaps in the brickwork, gaps in the stonework, boxed in eaves and gaps in the roof of buildings 1, 2, 3, 4 and 5.
- The loss of the local value bat foraging habitat.
- Increased lighting which could impact on bat foraging and commuting habitat including in the adjacent local wildlife sites to the north and east.

The negligible risk of causing harm to great crested newts during development.

5.12 The following mitigation measures for the above impacts have been recommended.

External lighting that may reduce bat use or potential roost sites (retained and/or new) will be avoided. High intensity security lights will be avoided as far as practical, and any lighting in areas identified as being important for bats will be low level (2m) and low lumen. Light spillage to areas used by foraging or commuting bats should be less than 2 lux. No lighting to be installed along the flyways between the roots and adjacent trees, woodland and foraging areas. Where security lights are required, these will be of minimum practical brightness, be set on a short timer and will be motion sensitive only to larger objects.

5.13 The new properties on site should include bat roosting features where possible around the periphery of the site and well linked to local greenspace.

5.14 Works to building 6 will not commence until a Natural England licence is in place for the site.

5.15 Prior to the commencement of works on building 6, a tool-box talk will take place with the main contractor and demolition contractor.

5.16 Supervision of the demolition of the bat roost as well as any other high risk features within the building will take place prior to the roofing works on the building.

5.17 If bats are found during the works, works will stop in that area and the ecological consultant will be contacted immediately. If it is necessary to move the bats for their safety, this will be undertaken by a licenced bat handler.

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

5.19 Works to building 1-5 will be completed to a detailed method statement in order to minimise the risk of causing harm to bats.

5.20 In advance of the start of works 4 bat boxes (improved crevice or similar) will be erected in adjacent trees, within the site owner's landholding, to provide alternative roost sites. Boxes will be erected as high as possible, ideally at a minimum height of 4m.

5.21 Six crevice roosting opportunities will be incorporated into the structures on site to provide sustainable opportunities for individual or small numbers of crevice roosting species in suitable locations.

5.22 Conclusion

Previous preapp comments for this site (dated 10.01.18) raised the issue of the potential impacts of this scheme on the adjacent Local Wildlife Site (Eccles Colliery):-

"I have concerns about this preapp application and the impact this development will potentially have on the adjacent designated Local Wildlife Site (Eccles Colliery and Extension) as well as habitats/species within the site. The loss of habitat to the south east of the site, appears to fall within part of the Eccles Colliery wildlife site and the loss of these trees in this area would not be acceptable. This would have a negative impact on the Local Wildlife Site/wildlife corridor and would not meet current Local Plan policies or the principles of NPPF."

5.23 Whilst previous comments clearly outline the impact of this scheme on the Local Wildlife Site (LWS), this advice has not been taken into account to minimise impacts and to design the scheme in such a way that Eccles Colliery Wildlife Site is not materially impacted.

5.24 I am unable to support this scheme as a result of the following impacts and issues-

5.25 Direct impacts on a Local Wildlife Site (Eccles Colliery) through the loss of habitat within the site.

5.26 Construction and operational impacts to the adjacent Local Wildlife Site associated with noise, lighting and recreational disturbance with no

acknowledgement of appropriate buffer zones between the development site and the Local Wildlife Site.

5.27 Potential cumulative impacts of development in this area on Eccles Colliery LWS.

5.28 Loss of bat roost (Building 6) and the loss of associated commuting and foraging habitat from the loss of trees.

5.29 Impacts of lighting from the development on bats and their foraging habitat.

5.30 Loss of trees protected by a Tree Preservation Order (TPO) and of value as protected species habitat.

5.31 Impacts on the RPA's of numerous trees protected by a Tree Preservation Order (TPO) to facilitate parking, footpaths, road widening and the installation of drainage and utilities.

5.32 Impacts of trees protected by a TPO as a result of their proximity to residential units 11-17 and future pressure for removal or excessive pruning that would be associated with this.

5.33 A detailed 'Landscape Mitigation Scheme' has not been submitted to address the impacts of this scheme.

5.34 This scheme is contrary to North Tyneside Local Plan policies set out below in relation to biodiversity, wildlife corridors and trees & woodland. In addition, it does not meet NPPF policies relating to the natural environment, specifically policies 170; 174 and 175.

5.35 North Tyneside Local Plan

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:-

The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;

Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors as shown on the Policies Map; and

5.36 DM5.5 Managing effects on Biodiversity and Geodiversity

All development proposals should:

Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links.'

Proposals which are likely to significantly affect nationally or local 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.

5.37 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.

5.38 Paragraph 8.20 of the Local Plan also states that:- *"To assist applicants, the Council has identified buffer zones, within the Green Infrastructure Strategy, around the designated and protected areas which will enable the applicant to see whether proposals are likely to impact these areas and would need to meet the requirement outlines within relevant Local Plan policies."*

5.39 Page 24 of the Green Infrastructure Strategy indicated that all designated sites are given a specific buffer depending on their importance. For Local Wildlife Sites over 20ha, this buffer is 150, and any proposed development which falls within a buffer zone must consider the impact upon the designated wildlife site.

5.40 National Planning Policy Framework (NPPF)

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

Protecting and enhancing valued landscapes, site 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

Promote the conservation, restoration and enhancement of priority habitats, ecological networks and 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:

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.

6. Landscape Architect

6.1 A pre-application was made back in 2016/17 for a similar layout. The pre-application comments did not support the development and raised concerns over the impact of the development on the tree groups within the site and the impact of the new buildings on the southern boundary.

6.2 General:

6.3 The site is made up of two areas. The southern section contains a Victorian villa house (Backworth Lodge) set back from the main road surrounded a small woodland with mature trees, accessed by a tarmac-covered driveway. Attached to the Villa is a more modern single-storey building. Both Backworth Lodge and the single-storey building were formerly used as office space. The northern section of the application site contains a number of derelict stone buildings located mainly along the alongside the western boundary fronting Station Road.

6.4 The site is located within Backworth Conservation Area and the majority of trees within the southern section of the site are protected by a Tree Preservation Order (TPO). A new TPO has been served recently which is an extension of a previous and existing TPO on the site, to include a number of trees located within a Conservation area. The majority of poorer trees on the site have been removed in recent years leaving a large number of good quality merit worthy trees which are protected by a TPO. This new TPO covers over 80 mature trees which includes in large numbers, sycamore, ash, beech and maple. The TPO recognises the importance of the collective tree group, and their contribution to amenity and protects them from any authorised works or removal. It seeks to preserve and retain trees which enhance the local landscape character and wherever possible, the TPO should be safeguarded as part of the development.

6.5 The south east corner of the site is located within the Eccles Colliery and Extension Local Wildlife Site (LWS).

6.6 Planning Policies:

6.7 Paragraph 18 of the NPPF sets out the natural environment considerations that should be applied by LPAs in the determination of planning applications. This requires that planning permission should be refused where development would result in the loss or deterioration of irreplaceable habitats unless the need for, and benefit of the development in that location clearly outweigh the loss.

6.8 The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to overall decline in biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures;

6.9 In addition to this are the North Tyneside Local Plan policies whereby development should seek to 'Protect the biodiversity value of land, protected and priority species and minimise fragmentation of habitats and wildlife links' (Councils Local Plan DM5.5 Managing effects on Biodiversity and Geodiversity). With regard to the LWS priority will be given to 'the protection of both statutory and non-statutory designated sites within the Borough' (Councils Local Plan S5.4 Biodiversity and Geodiversity) and 'Development proposals within a wildlife corridor,... must protect and enhance the quality and connectivity of the wildlife

'corridor' (Councils Local Plan DM5.7 Wildlife Corridors). Furthermore, 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.' (Council's Local Plan DM5.9 Trees Woodland and Hedgerows).

6.10 Northern section of the application site:

It is proposed to construct new housing to the north of the existing driveway and beyond a group of mature trees which extends from Station Road to the west to the boundary on the east. The units have been positioned outside the root protection area (RPA's) of the trees and orientated so that the majority of the gardens face southwards. The northern section of the site is characterised by a number of historic stone buildings facing Station Road with many mature self-seeded trees along Station Road removed in the recent past. A small group of trees exists to the far north of the site which are outside the application site.

6.11 Southern section of the application site:

The southern section of the site is characterised by a single Victorian villa (with more modern extensions) surrounded by a large number of mature trees protected by the TPO. The understorey has recently been removed leaving a large number of mature single stemmed trees. To the south of the villa is a paddock/open field which contributes to the semi-rural setting of the site.

6.12 The southern section of the site surrounding the office building is significant in terms of amenity both to the immediate area and the wider setting of Backworth due to its mature tree cover and woodland appearance. The combined presence of both tree cover and historic buildings contribute to the character of the local area. It is proposed to construct a large single 3 storey new build apartment block to the south of the existing Villa and 6 new mews buildings along the southern boundary within an area of land to the south of the mature tree group known as the Paddock. The properties will be accessed via the existing driveway leading to the existing villa and the former car park will be utilised to access the new apartment block and mews dwellings. There will be driveways and car parking associated with each, the majority of new car parking located to the eastern boundary of the site.

6.13 As stated earlier, part of the site (the south east corner) is located within a Local wildlife site (LWS) which extends eastwards of the application site.

6.14 Arboricultural Impact Assessment:

An Arboricultural Impact Assessment has been undertaken that assesses the trees on the site and categories each tree with regard to their quality and retention value was assigned using criteria outlined in British Standard 5837:2012 – 'Trees in Relation to Design, Demolition & Construction' (BS5837:2012). This report found that overall the trees within the site are reasonable condition to good. 22 trees are classed as high value trees (A) and 36 trees and four groups have been classed as moderate value trees (B). Overall, the trees on the site are in reasonable or good condition and this site potentially has one of the highest number of category A and B trees in the borough. Whilst the layout has been revised to retain and conserve the majority of trees on the, a large number of mature trees will require removal to facilitate

the development. There are also major concerns in terms of the impacts on the trees and the TPO, and the level of tree loss that would result, how the scheme relates to its immediate surroundings and how it will sit within the wider landscape.

6.15 Impacts arising from the development

The AIA states that the development will impact on the trees in the following ways;

Loss of trees due to the proposed layout.

Construction within root protection areas.

Location of utilities runs within Root Protection Area

Damage to trees within the site during demolition and construction

Pruning trees to create clearance to structures and gardens

Damage to structures from trees

Taking each impact individually:

6.17 Loss of trees due to the proposed layout.

Twelve individual trees and three tree groups will require removal to accommodate the development. Eight trees and 2no tree groups have been categorised as moderate value (B) Four trees and Group 2 have been categorised as low value (C). With the exception of Tree 1 (Cat. C) all of the trees that would need to be removed are positioned to the rear (east) of the site. The eight trees are to be removed to accommodate the new apartment block and car parking. A further tree T22 (B) will need to be removed to accommodate a double garage.

6.18 The arboricultural report states that because the trees are located to the rear (east) of the site, the treescape along the B1322 would be largely unaffected. However, due to their position on the south western corner of the site, the removal of trees at this location will open up and create direct views on to the new apartment block. Without the backdrop of trees at this location, the new development become prominent in the landscape and not just from the B1322 but from the A186.

6.19 The actual eastern corner of the new apartment block and associated car parking will be within the wildlife site. Trees T26, T27, T68, T67, T71, T70 and groups 3 and 4 located within the wildlife site will require removal in addition to a further 2no trees and tree group. The removal of mature trees from a Local wildlife site will result in the loss of habitat and impact on a wildlife corridor.

6.20 Construction within root protection areas.

The AIM states that '*Numerous trees have structures proposed for construction within their root protection areas. The structures are an extension to the driveway, footpaths, parking bays and boundary features.*' The concern is in relation to 'numerous' whereby a large number of trees will be affected by construction works, not only just for access and car parking but the widening of the entrance and the installation of drainage, including a SUDS' system and the installation of services. It is stated in the Flood Risk Assessment and drainage report that the shared surfacing to the driveways will have permeable paving with the sub-base thickened to provide additional attenuation. In order to achieve this, trees will either be removed to accommodate the driveways/ car parking areas or

excavations will be required within the RPA's of T17(A) and T52(A) – it is unlikely that the contractor on site will follow the curve of the RPA as shown on the plans around T52 – and will require a greater working area. The submitted details show excavations for the shared surfacing to a depth of 680mm deep (deeper than most trees roots go) so whilst the incorporation of permeable paving is welcomed the actual construction associated with it will impact on tree routes. Excavations to this depth within the RPA's would not be acceptable.

6.21 The Flood Risk Assessment also refers to ground levels being listed in the south east corner of the site above existing ground level and retaining walls being constructed in order to achieve gravity connection to Station Road to accommodate the difference in levels. The FRA (section 7.09) refers to the construction of a retaining wall to avoid increasing ground levels in the root protection area (RPA) of the trees. This will be positioned directly to the west of plot no. 24 so cross section details will need to be provided to gain a better understanding of how this will work so close to this property.

6.22 The swale is connected via an underground attenuation system located in front of plot no.'s 24 and 25. Again this has been positioned to the extremity of the RPA of the retained trees and also possibly on the line of the protective fence although details and position of the protective fence has also not been submitted (so the impacts are assumed). As this will be installed by machine, the working area will be greater with excavations expected within the RPA's of T63 and T52.

6.23 The Flood Risk Assessment refers to a small swale proposed off the access road opposite the new apartment block but other than small SUDs pond, a swale is not visible on the plans. The FRA also refers to kerb lines stating that kerb immediately adjacent to the swale are to be laid flush (section 7.10) to allow run off from the roads to discharge directly into it. This makes the assumption that half batter kerbs will be installed elsewhere along the length of the driveways and therefore within the RPA's of the protected trees. Kerbs will require excavations to install and it is unlikely that all this work will be carried by hand which in turn can damage the tree roots.

6.24 The entrance is to be widened by rebuilding a section of the existing wall which would allow the driveway to be increased in width and a section of new footpath to be created. All these works are proposed within the root protection areas of the trees in particular T2, T55, T56 T57, T48 and T58. Again, it would be difficult to undertake such works by hand as required in BS 5837:2012 – ‘Trees in Relation to Design, Demolition & Construction’ (BS5837:2012) with new wall foundations and footpath build ups being installed by machine. Trenching and digging necessary to install foundations and utilities can sever a portion of a tree’s root system. The closer the excavation is to the base of the tree, the greater the likelihood of major damage. As major roots are important to anchoring a tree in the ground, the severing of any major root has the potential to lead to a weakening of the tree’s stability.

6.25 New informal footpaths are to be incorporated in amongst the trees. A ‘No-dig’ system has been proposed to limit the impact of the paths upon the root systems. Whilst the No-dig method is acceptable it still requires disturbance

within the woodland area (soil compaction smothering of tree roots) and questions the need for this extent of new footpath.

6.26 Location of utilities runs with Root Protection Areas

No details of intended service runs have been made available other than drainage, so the impacts cannot be fully assessed. It is proposed that new utility runs are not to be located within any of the retained trees root protection areas, but this information needs to be submitted as this could be an additional and significant impact on the tree group.

6.27 Damage to trees within the site during demolition and construction

6.28 Trees may be damaged by machinery including damage to branches and stems of trees. A tree protection fence should be installed to prevent damage from happening but no detail as to the location of the fence has been submitted.

Pruning trees to create clearance to structures and gardens

Trees within and overhanging the site on adjacent land may require pruning operations in order to clear the proposed structures. It is expected that trees will require pruning for construction access/clearance to accommodate the build e.g. T21(B) to Plot 17, T5(A) from plot 10 and 12, and any crown lifting along the driveway. The pruning is only required to accommodate the build and any unnecessary or over pruning could lead to concerns regarding the future viability of these trees.

6.30 Damage to structures from trees

As stated in the arboricultural report, trees capable causing damage to structures either directly, such as physical contact damage or indirectly given the right conditions, such as subsidence. Building foundation depths will be required according to the species of adjacent trees given their intended locations near the existing trees – again an indication that units could be positioned too close to trees.

6.31 Other impacts resulting for the development

6.32 Amenity

6.33 Backworth Lodge and its single storey modern extension are within an established woodland setting. The paddock area to the south is an open field framed by trees which contributes to the semi-rural setting of the site. The southern section of the surrounding the office building is significant in terms of amenity both to the immediate area and wider setting of Backworth due to its mature tree cover and woodland appearance. The trees to the southern boundary are part of a wider tree group which extends eastwards and westward of Holystone Engineering (Backworth Lodge). The asset, in this situation, is the conservation area and the presence of mature trees that help form its character.

6.34 Currently the landscape edge to this southern boundary of the site created a strong landscape visual effect, characterised by the backdrop of mature trees with medium contained views from the B1322 and A186. The tree group along is a distinctive focal feature and prominent against the skyline.

6.35 The paddock is located to the south of the tree group so there are uninterrupted and open views from the public footpath which runs parallel to the new link road to the south across to the paddock and directly onto the backdrop of trees. There are isolated buildings set within the broader collective tree group which extends from the roundabout to the Link Road, up northwards on Station Road and across the eastwards beyond Backworth Lodge. Buildings are predominantly historic in character (the new development has been sympathetically designed to sit within the conservation area) and are either framed by the mature trees or hidden with only glimpses or limited views of the built form. The combined presence of both tree cover and historic buildings contribute to the character of the conservation.

6.36 There are public footpaths associated with the A186 highway and public footpaths leading around the southern boundary of the site which gives uninterrupted views northwards towards the tree group. It is along this southern footpath that the most significant views of the mature backdrop can be seen whereby the trees as a group provide a strong sense of place and a semi-rural edge to Backworth Village. At this location the landscape can be considered to have a high sensitivity to development, as the landscape at this point is currently open with a clear views of the tree group with very little or no built intervention. The apartment block will sit directly behind the one semi-detached properties and compounded by the loss of trees, the new buildings will be clearly visible and adding to the urbanisation of the views. Users of the footpaths are highly likely to be using the area for recreation and therefore appreciating the views and landscape qualities. By virtue of its location, any development when viewed from these specific viewpoints and routes would inevitably cause an urbanising effect upon views from the public footpaths surrounding the site and users of the footpaths will experience a changed or altered view on a permanent basis.

6.37 Six 1.5 storey high new builds will be located within the Paddock to the south of the mature tree group. When viewed northwards from the footpaths associated with the A186, the 6 new units are to be positioned in front of the tree group, therefore the tree group becomes secondary in the landscape and immediately less prominent resulting in a change to a key view – clearly seen on the submitted visualisation. These visualisations demonstrate that the development will have an adverse effect on the setting and distinctiveness of the landscape in this location as experience in the short to medium distance views. The development will be visually intrusive in the landscape resulting in a large magnitude of change and clearly push development further into a semi-rural landscape. The perception by users is that the new buildings will become the dominant feature in the landscape – not the tree group.

6.38 The proposed new apartment building will be set back from the southern edge of the site and behind the mews new builds. Again, the visualisations attempt to show how the views of the apartment block will be mitigated from the views to the south by mature trees, however, the existing trees here are to be removed so there will be no tree cover to break up views, making the visual combined presence of the mews and the apartment block visible in the landscape. This collective tree loss will result in substantial change to the views northwards from the A186, where the new semi-detached dwellings and the single large new build will form a significant and immediately apparent element

within the view. This in turn will have adverse impacts on the overall impression of that view and the character of the local landscape.

6.39 Unfortunately many of the new trees planted on Station Road to replace the mature trees that were felled have died so any screening of the development to minimise the impacts along the southern boundary cannot be guaranteed. The proposal obviously recognises that the development will result in a changed or harmed landscape by proposing new planting to the southern boundary as mitigation or otherwise planting would not be required. Any new planting may help to 'soften' the built form but the visual presence and of the new builds will be no less prominent in the landscape and it will take many years before the planting can mature and the impacts on the views from the junction of B1322 and A186 northwards and reduced and mitigated.

6.40 Overshadowing

No consideration has been given to the dominant presence of the trees once the buildings are complete. Satisfactory levels of amenity (natural light and space) for the development will be difficult to achieve with particular regard to the overbearing impacts of the trees and the overshadowing on the external spaces and habitable rooms particularly to plots 11 to 17 which have small garden space overshadows by the trees to the north of driveway.

6.41 Overall, the trees have been given a good life expectancy with the potential for future growth which, in their current form could give rise to and the consequent pressure for the trees to be lopped, topped or even felled, to the detriment of this continued good health, longevity and in turn to the character and appearance of the conservation area. There are other potential issues such as falling debris or branches, blocked gutters, interference with underground services, and potential concerns in relation to their overbearing presence. Whilst protection afforded by the TPO would enable the Council to control any future tree work, it would be difficult for the council to refuse an application to cut-back or even remove a tree that was threatening the safety or the occupiers or having a harmful effect on their enjoyment of the property. There can be no certainty that such pressures could be reasonably resisted.

6.42 If tree pruning is required to accommodate the build in the first instance and maintain thereafter, then this should be an indication that the units are located too close to the trees.

6.43 Whilst the units to the north are located just outside of the RPA's of the protected trees so any damage to tree roots should be minimal, the tree group is very significant due to their maturity and size. More often than not, future impacts on the mature tree groups are generally always overlooked and the trees to the north of the existing driveway will substantially overhang what appears to be quite small garden space. These trees which have been previously considered suitable for their location and established in their landscape setting will now become unsuitable for their location due to the size and their perceived dominant presence particularly as the trees will cause shade on the south facing gardens and building elevations for most of the day. This will inevitably result in detrimental long-term pruning pressures and/or removal arising from concerns by

future occupants over issues including the size of the trees, safety and overshadowing.

6.44 Whilst protection afforded by the TPO would enable the Council to control any future tree work, it would be difficult for the council to refuse an application to cut-back or even remove a tree that was threatening the safety of the occupiers or having a harmful effect on their enjoyment of the property. There can be no certainty that such pressures could be reasonably resisted.

6.45 There will always be the constant threat of tree damage and removal, both during construction and as soon as the first houses are occupied when light and overshadowing becomes an issue. Whilst it can be argued that the units can sit comfortably within a mature tree setting, it is likely that this setting will be affected in the long term resulting from pressure to prune or remove trees due to the close proximity and overbearing presence. This in turn has a direct impact on the character and appearance of the conservation area.

6.46 Summary:

6.47 The landscape setting is locally both prominent and distinctive and the combined presence of both tree cover and historic buildings contribute to the character of the conservation area.

6.48 Concerns were raised at pre-application stage that any proposal should seek to preserve and enhance the local landscape character providing new benefit in terms of environmental outcomes. The proposal as presented would be damaging to the mature trees groupings, and in turn harmful to the character of the landscape and conservation area. The loss of trees will have a negative impact on the Tree Preservation Order, local landscape character, local wildlife site and conservation area and clearly push development further into a semi-rural landscape.

6.49 Despite the suggestion of mitigation, the construction of the semi-detached units on the very edge of the tree group will result in an altered view from key public footpaths. The loss of the tree screen to the boundary edges of the development will result in the semi-detached properties and apartment block being visually intrusive and prominent in the landscape, both immediately and for a number of years to come.

6.50 The proposal comes with a range of negative impacts and offers no comfort that the protected trees will be adequately retained, or the real threat of future removals can be avoided. The addition of the proposed development introduces new features which are alien to the local landscape do not connect with the historic character of the local area. The landscape character of the conservation area at this location will be altered, the development will be harmful to the local wildlife site and the integrity of the Tree Preservation Order and resulting in irreversible change to the overall setting and character, therefore the application cannot be supported.

7. Design Officer

7.1 Ivy Cottage, Dairy Cottage and Backworth Lodge are important features of the conservation area and their restoration is a highly positive aspect of the

proposed scheme. Dairy Cottage is grade II listed. The proposal retains a large part of the original room layout which includes fireplace openings. An existing low-quality extension would be removed and a new extension would be constructed which is sensitive to the design of the original building. A proposed schedule of works is required to support the LBC application for Dairy Cottage. This should include details of proposed demolitions, alterations and repairs. The schedule should refer to the submitted plans and include method statements where appropriate.

7.2 New units around Dairy and Ivy Cottage are proposed to be 1.5 storeys in height. This is considered to be appropriate around the single storey heritage assets and will help to maintain their prominence on Station Road. Some larger scale two storey dwellings are set back within the site to minimise their impact on the wider area. This is also considered acceptable.

7.3 The proposed new build apartment building complements the design of Backworth Lodge. Although the building has a larger footprint than the Lodge, it is set back from the building line of the Lodge so that it is subservient in nature and maintains the setting and views towards the Lodge. The eaves height of the apartments also matches the existing Lodge.

7.4 The site entrance maintains the view corridor and approach to Backworth Lodge. The central wooded area of trees are also retained which maintains the setting of Backworth Lodge and the conservation area.

7.5 New dwellings are proposed in southern paddock area of the site which are 1.5 storeys in height to minimise the impact on the approach into Backworth. There is a landscaped buffer to the rear of the properties although the size and maintenance arrangements for this area need to be confirmed.

7.6 High quality materials are required for this site to ensure the development sits well within the context of the heritage assets on the site and the Backworth Village conservation area. Within Eccleston Yard character area, natural stone and natural slate is required to be used. Some brick may be acceptable behind Station Road. Within the Paddock character area, natural stone, natural slate and brick will be acceptable. The use of natural stone and natural slate should be conditioned.

7.7 Overall, the application preserves the heritage assets on the site and preserves the character and appearance of the conservation area. New development is sympathetic and the size and scale of properties considered acceptable throughout.

8. Tyne and Wear Archaeology Officer

8.1 I am delighted that Backworth Lodge and Ivy Cottage are being retained and converted along with the grade II listed Dairy Cottage. I am also pleased to read that the tree lined avenue will be retained.

8.2 In my pre-application comments I asked that the archaeological assessment and Heritage Statement aimed to ascertain the date and original function of the non-listed buildings and I am pleased to see that this has been done.

8.3 The site lies just sought of East Backworth medieval village. There are broad ridge and furrow earthworks and at the southern end of the site relating to ploughing during the medieval or early post-medieval period. Early archaeological remains could potentially underlie the ridge and furrow.

8.4 The site is of industrial archaeological interest. It lies on the western fringe of Backworth Colliery and includes the last standing buildings of the mine. Backworth A Pit, which was located immediately north of the development site, opened circa 1813. It was renamed Maude Pit in 1872 and eventually closed in 1960. Backworth Colliery as a whole ceased in 1980.

8.5 Backworth Wagonway forms the eastern boundary of the site. Railway branch lines are shown on early mapping crossing the site and there is a chance that these survive.

8.6 Backworth Lodge, which is mid-19th century in date, was the home of the manager of Backworth Colliery and his family from at least the end of the century. The building was later used as colliery offices. In the late 1950s and early 1960s the Lodge was used as offices by the National Coal Board. A two-storey strong room for mining drawings and cash was built onto the rear northern elevation and a large single storey office annexe added to the south-east. The single storey annexe is of no architectural merit and is proposed for removal, which is welcomed. Backworth Lodge is of historical and architectural merit and social history interest. It should therefore be deemed to be a non-designated heritage asset read para 197 of the NPPF.

8.7 Dairy and Ivy Cottages were residential dwelling, both built in the early 19th century. By the middle of the 19th century the cottages were probably incorporated into the colliery building complex, associated with a yard and railway tracks. Dairy Cottage is listed grade II and is thus a designated heritage asset ref para 193 to 195 of the NPPF. Ivy Cottage should be deemed to be a non-designated heritage asset ref para 197 of the NPPF.

8.8 The buildings to the north part of the site are believed to have formerly housed ancillary support facilities for the colliery. The group may have been originally built as a farmstead (the name Dairy Cottage suggests a dairy farm). In the 20th century the buildings became colliery workshops.

8.9 The followings buildings (numbered as per the archaeological assessment) are the most interesting historically:

Building 1 - an L-shaped buildings fronting onto the Station Road, rubble sandstone with a slate roof, single storey, early 19th century domestic reused for industrial purposes.

Building 3 – rubble sandstone with squared and tooled quoins, two storeys, roofless

Building 4 – rubble sandstone with crick insertions and abutments, single storey, roofless.

8.10 The retention of early architectural features in Backworth Lodge such as architraves, cornices and the principal staircase should be encouraged.

8.11 The stone boundary walls with wounded coping should be retained as part of the development.

8.12 I accept that the dilapidated buildings are proposed for demolition, but they do merit archaeological recording beforehand as they form part of the colliery's history.

8.13 Archaeological work required:

1. Archaeological building recording of Backworth Lodge, Dairy Cottage and Ivy Cottage before restoration and conversion.
2. Archaeological building recording the other former colliery buildings prior to demolition.
3. Topographical survey of ridge and furrow earthworks.
4. Evaluation trial trenching – depending on the findings, this may need to be followed by an archaeological excavation and/or watching brief.

8.14 Archaeological Building Recording Condition

No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

8.15 Archaeological Excavation and Recording Condition

No groundworks or development shall commence until a programme of archaeological fieldwork (to include topographic survey of ridge and furrow earthworks, evaluation trenching 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 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 the paragraph 199 of NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

8.16 Archaeological Post Excavation Report Condition

The buildings 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 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.

8.17 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 had been submitted

to and approved in writing by the Local Planning Authority prior to the submission to the editor of the journal.

Reason: The site is 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 169 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

8.18 I can provide a specification for the archaeological work when required.

External Consultees

9. Natural England

9.1 No objection subject to appropriate mitigation.

9.2 This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/Special Areas of Conservation/Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

9.3 Northumberland and North Tyneside Council's operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

9.4 Subject to appropriate mitigation being secured in line with the details of this Service Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

9.5 Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in the view of the European conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017.

9.6 This is because Natural England notes that the recent *People Over Wind Ruling* by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

9.7 Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

10. Historic England

10.1 The application site covers part of the former Backworth Colliery an early 19th century coal mine that helped shape the village of Backworth. That part within the Backworth Conservation Area contains a number of historic buildings that were associated with servicing and administration of the colliery. Some such as the grade II listed Dairy Cottage and the unlisted Ivy Cottage appear to be early 19th century in date and are the earliest remaining structures of the pit on the site or were adapted from cottages and farm buildings when the colliery was sunk in 1813 and then expanded. Backworth Lodge is a typical attractive mid-Victorian house whose use as the dwelling for the colliery manager and his family gives the building historic interest.

10.2 All the historic buildings on the site make a contribution to the significance of the conservation area and we welcome the move to conserve and absorb the three most important within the development, namely Dairy Cottage, Ivy Cottage and Backworth Lodge. In respect to the others we suggest you talk with your in-house archaeological advisers as to whether they feel more recording is necessary prior to their loss in accordance with paragraph 199 of the National Planning Policy Framework (NPPF).

10.3 The layout and form of the new building element of the scheme is influenced by the historic character of this part of the conservation area and would be respectful to the setting of the remaining historic buildings. It would result in an increased suburban character at the edge of the settlement and conservation area, but through reinforcing the line of the road and keeping the secluded aspect of the Lodge intact this effect would be managed well and not seem incongruous.

10.4 The amount of information within the listed building consent application regarding the specific works to Dairy Cottage is poor. The floor plans appear to use the existing building in a logical and sensitive fashion but there is no information on the extent of repairs, the replacement of fabric or historic fixtures and fittings. In a building of this simplicity and poor condition it is important to consider the impact of the proposal on the significance of the listed Dairy Cottage is of concern and contrary to paragraphs 189 and 190 of the NPPF.

10.5 In summary whilst Historic England has no objection to the proposal overall we strongly suggest that you scrutinise the impact upon the significance of Dairy Cottage and request further information as required before determination.

10.6 Historic England has no objection to the applications on heritage grounds.

11. The Coal Authority

11.1 The application site does not fall within the defined Development High Risk Area and is located within the defined Development Low Risk Area. This means that there is no requirement under the risk based approach that has been agreed

with the LPA for a Coal Mining Risk Assessment to be submitted, or for The Coal Authority to be consulted.

11.2 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

12. Northumbrian Water

12.1 We have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Former Holywell Engineering Site Flood Risk Assessment and Drainage Strategy" dated "29 June 2018" Revision P2 and drawings nos. DS_SK10P2, DS_SK11P2 and DS_SK12P2". In this document it states that the drainage scheme shall ensure that foul flows discharge to the foul sewer at manholes 3805 and 4701 via the existing connection. To also ensure that surface water for the northern portion of the site discharges to manhole 3803 at a restricted rate of 5l/s and surface water for the southern portion of the site discharges to Briardene Burn.

12.2 We therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Former Holywell Engineering Site Flood Risk Assessment and Drainage Strategy dated "29 June 2018.

13. Police Architectural Liaison Officer

13.1 Having looked at the application documents from a crime prevention point of view (including checking the recent crime and incident figures for the area) I can find no grounds on which to object to it.

13.2 There are a couple of things that do concern me with the application, namely there is no mention of security of the individual units proposed and I would recommend that the applicants consider the police approved security scheme Secured by Design (SBD) guide SBD Homes 2016, which in addition to helping to develop a safe and secure development for residents and visitors alike who will also meet their obligations to building control under Approved document Q (ADQ) recommendations. Details of the SBD guides can be found at www.securedbydesign.com and following the links to "Design Guides." I would also recommend to them to change the design of plots 24-29 to remove the overhead build as these have in the past, become gathering points for youths and subsequently become crime generators and given the slightly remote positioning of these units this could become a problem in the future.

Representations

1 letter of support has been received raising the following issues;
Support this application to bring a derelict site back into beneficial use and to improve the approach to Backworth Village and its conservation area.

1 letter of objection has been received on behalf of Keenan's (Vegetable) Processing

I am writing to you to set out our concerns in relation to the current applications with regard to the affects that this proposed development, in combination with others in the area, will potentially have on our clients established business. Whilst an entirely separate application, these comments are required to also be considered in the context of the parallel and as yet to be determined application reference 18/00881/FUL which proposed the constriction of 67 residential dwellings and 14 no. Commercial units on land at Backworth Business Park to the north and east of our client's site.

This letter raises two areas of concern. In the first instance these are in relation to the general policy context for this application site and the wider area and what we consider to the developments failure to comply with local plan policy. The second concern is in relation to the direct potential impacts on our client's business by virtue of the development of new residential dwellings in close proximity to their operation. We will deal with these points in turn.

In relation to the local planning policy position and in particular the site allocation, it can be noted that this application site forms part of the wider 8.5-hectare mixed used land allocation under policy S4.3 (29) of the North Tyneside Local Plan adopted in July 2017. Under that policy the 8.5-hectare parcel of land identified as site number 29 is allocated as a mixed-use site with the potential to accommodate 65 dwellings. This application brings forward proposal for 46 dwellings with 1.97 hectares of this allocated area. It may be noted however that this planning application contains no proposals for employment uses or any other non-residential uses as may have been expected to come forward within the allocated mixed-use site. This omission is acknowledged within the submitted planning statement dated 25 June 2018 which accompanied the application.

Paragraph 5.4.1 of the statement states that

'Given the various heritage assets which the development proposals seek to protect, retain and enhance it is not considered appropriate to encourage an employment led development on the site however, consideration has been given to how this policy requirements can be addressed.'

The employment consideration, it may be noted from the paragraph, is limited to provision of limited office space within just 6 houses proposed on site through the provision of office space to allow home working. It must therefore be concluded therefore that that the development is in effect solely a residential development scheme and indeed this is the terms of which the development is consistently referred to within the applicant's supporting information. It is considered that this form of development is not consistent with the local plan policy for the site which clearly stipulated that this will be a mixed-use development site.

In this context of the local plan policy, it is expected that the site will bring forward a combination of both employment and residential development of appropriate proportions. This is confirmed by two relevant policies. Policy S2.2 of the Local Plan on the provision of land for employment development acknowledges at the foot of the policy S4.3 may also provide additional contribution to the supply of employment land. It states proposals for employment uses on those sites will be

expected to be compatible with residential development and will be supported where they are consistent with other policies of the local plan. It is therefore envisaged clearly in the context of policy S2.2 that there will be a meaningful and quantifiable level of employment development on mixed use sites which will be compatible with any new residential development coming forward. It may therefore be expected that any development on site 29 in this context would include potentially B1 Light Industrial and Office Uses, which most suitable abut and adjoin any new residential development.

The expectation for this mixed-use site is further confirmed with reference to policy S4.3. As can be seen, although policy S4.3 addresses the distribution of housing development sites, site 29 at Backworth Business Park is separately listed outwith the residential site allocations under the separate heading of mixed-use sites. It is therefore clearly intended and envisaged within the policy that site 29 will not simply be another residential site. The proportion of residential to employment use within the site and it is also expected to be relatively modest in the context of a mixed-use site. This is further confirmed with reference to the potential homes envisaged on the 8.5-hectare site. This, as listed in policy S4.3 is just 65 dwellings which equates to an overall density of development of just 8.1 dwellings per hectare. This low level of residential development is considered to be a reflection of the policies intention for there to be a relatively low level of residential development combined with appropriate employment use. The development as currently proposed is clearly not consistent with this policy objective and within the 1.97-hectare application site there is a density of residential development equivalent to 23.3 dwellings per hectare. The parallel application to the north and east of our client's site reference 18/00881/FUL would deliver come 11 dwellings per hectare. The two sites when combined would potentially deliver 113 dwellings with an average density of 14.1 per hectare. Although this is acknowledged to be a simplified assessment it does help to demonstrate that the level of residential development proposed on these two neighbouring application sites is far in excess of that envisaged with the local plan policy for a mixed-use site. It is acknowledged that the neighbouring application site to the north does include some employment provision and therefore does attempt to comply with the 'spirit' of the policy. In the case of this current application at the Backworth Lodge Site, there is however no genuine employment provision at all and in this respect the proposal fails to comply with the land use allocation for the site. The application provides no actual explanation for this other than to refer to the presence of historic building making an employment led scheme not possible. There is however no further explanation for this and in planning terms it is considered that the presence of a historic context is a design issue and not a land use issue. Whilst a viability justification for the absence of affordable housing is presented no actual justification is provided as to why employment provision is not deliverable on the site and why policy S4.3 is not being adhered to.

This position is more clearly demonstrated when reference is made to the Inspector's report on the local plan of May 2017. Paragraphs 148 to 152 of the Inspector report specifically considered site 29 and its allocation as a mixed-use site under policy S4.3. The Inspector considered the release of land from its previous employment allocation to a mixed-use site with reference to our client's processing plant. In allowing the allocation of the surrounding land to a mixed-

use site the Inspector gave careful consideration to the need to avoid housing in close proximity to our client's premises. In seeking to avoid the need to sterilise the entire site because of Keenan's plant, the Inspector concluded that it was capable of accommodating the relatively modest amount of housing proposed. Clearly it was therefore determined that the 65 dwellings proposed within the plan under policy S4.3 was deemed to be a modest amount of housing suitable for the specific considerations present on the site. To put this in further context, in relation to the expected delivery of employment use within this mixed-use site, it can also be confirmed that the Inspector in finding the plan sound, did expect that housing would be a lesser part of any mixed-use development of the site when compared to the employment elements. This is confirmed also within paragraph 150 when the Inspector stated that,

'Looking at the wider site I am not persuaded that a subservient element of housing, as part of the wider mix of uses could not be satisfactorily accommodated on the large 85 hectares site.

It is quite clear therefore from the Inspectors conclusions on the basis of their report that housing was expected to be subservient in scale to the employment use of the site. It may also be noted that if this application were to be approved and the corresponding application to the north and east for 67 dwellings were to be approved then we would be in the situation that barely any employment use had been delivered on this entire allocated site and residential development would have been brought forward at a level nearly double that expected under the site allocation, with just 14 commercial units developed. It is clearly the case that such the case cannot be considered to be consistent with the adopted Local Plan Policy. We should submit that this situation takes on greater significance given that the local plan is so recently adopted. The local plan in its present form was adopted only 15 months ago and therefore must be treated as a plan which must be afforded full material weight in any planning considerations. In the context of the NPPF and paragraph 11, it is considered that the development does not constitute sustainable development. As the proposal does not accord with an up-to-date development plan, as such the presumption in favour of sustainable development does not apply and there is no requirement for the approval of this application.

The situation outlined above leads directly onto consideration of the second issue which is the potential impact of new residential development upon the ability of our client's site to continue to operate. We consider that the presence of our clients site was central tenant of the way in which policy S4.3 was prepared and in this respect our client should not be in the position where new residential development is being proposed in locations where the proximity is likely to lead to future complaints about our clients business. It is quite clear with reference to the Inspector's plan report that the purpose of putting in place a mixed-use allocation for this area was so that the site would be bounded by appropriate employment uses which could satisfactorily neighbour both our client's business and future residential development brought forward as part of the mixed-use schemes. Effectively, the closest development to our client's site should be employment uses which provide an appropriate transition between Keenan's Processing and a new residential development. This is not the situation and we therefore have a situation where residential development is being proposed in a manner which has the potential to the impact on our client's site. This is the

situation which occurred on the neighbouring site to the north and east in the context of the 2012 planning application and the subsequent 2016 appeal decision. We continue to be of the view that this situation which will arise on that site and have made separate submissions on that application to the LPA.

In the context of this application we note that the application has submitted with a full noise assessment prepared by LA Environmental Ltd, which considers the existing noise climate surrounding the application site and in particular the noise impact of the operation of Kennan Processing. Whilst it is noted that the LA Environmental report concludes that the majority of operations on our client's site may not be likely to exceed noise thresholds within the proposed development, it can be seen that this is not the case for the use of our client's land to the south of their existing processing building. This land, it is noted, may be used by Keenan's in the future and we can confirm that this land is in fact already being used and that further development is being considered on this land and is subject of pre-application consultation with the LPA. As such, any concerns in relation to this area of land within our client's control are entirely valid and are required to be given significant weight. Within the LA Environmental report, it can be seen that within paragraph 6.5.3 and 6.5.4 it is confirmed that our clients use of their land to the south of their existing building will give rise to a sound source that is expected to be 3dB(A) above the daytime background level. At night-time it is predicted that for the closest dwelling within the proposed development Keenan's will produce sound 17dB(A) above the existing night time background levels during the early morning period. This, it is stated is an indication that significant adverse impact would arise for occupiers of this new residential dwelling. We note that the submitted planning statement at 5.3.17 omits any reference to this significant night-time noise issue. The LA Environmental report goes onto within paragraph 6.5.5 highlights that this significant adverse impact would be likely to arise during the early hours of the morning between 04:00 and 07:00 when it is expected residents would be sleeping in bedrooms. The LA Environmental report then goes on within section 7 to provide a number of recommended options for noise amelioration within the design of the dwellings which may ameliorate this adverse noise impact. This includes the options of enhanced glazing, enhanced roof construction and ventilation. In relation to the latter, it is confirmed in paragraph 7.3.12 that 'enhanced glazing must be closed to provide the required benefit and it is consequently necessary to provide the required ventilation by suitably sound attenuated means.' It can therefore be concluded that the success of any enhanced glazing being utilised within the affected properties is premised on the basis of windows being kept closed and mechanical or other forms of ventilation being available as an alternative. Ultimately as correctly concluded within paragraph 7.4.14 and 7.4.15 of the LA Environmental report, it is for developers to ultimately address the building solutions required to achieve the noise levels needed and the options provided within the LA Environmental report are simply recommendations.

The concerns for our client's perspective is that at present the LA Environmental report confirms that the use of their processing site will be likely to give rise to significant adverse impact on the closest residential receptors at the most sensitive times of the night. The significant issue which exists at present and why we must object to this application is that at present the application has not brought forward any specific proposed design solutions which demonstrate how

this adverse noise impact will be satisfactorily ameliorated within the closest residential receptors. Whilst the LA Environmental report provides recommendations, these are simply recommendations and as the report states it is for the developer to bring forward specific proposals to demonstrate how the noise will be ameliorated. At present, the application does not contain any such detailed and confirmed proposals. It is simply submitted with a range of options. The issue is that at present this is not a satisfactory situation because the principle of residential development in this location is dependent on demonstrating beyond any doubt that adverse noise impact to residents will not occur in a manner which will lead to complaints against our client's operations. The application at present has failed to demonstrate the specific measures which it will incorporate to ensure this does not occur and therefore at present the principle of residential development in the form now currently proposed cannot be deemed to be acceptable. This is the very situation which arose in relation to the previous planning application on land to the north and east of our client's site and which was the subject of the 2016 appeal decision. In that appeal decision the same situation applied and the Inspector in that case concluded that, *'from a technical stand point, I am broadly satisfied that it would be possible to incorporate mitigation measures which would provide a technical solution for the reduction of external noise levels to within acceptable parameters at times when outdoor areas are likely to be in use. Furthermore, having regard to the evidence placed before me, I consider it reasonable to conclude that the ameliorative measures would provide a technical basis to ensure the internal noise levels remained within acceptable parameters for bedrooms of 30 dB(a) with no exceedance of the Lmax 45 dB(a) in accordance with the WHO Guidelines,*

As is known from the decision that was not however sufficient for the appeal to be allowed and the Inspector went on to find that,
Despite the conclusion on the technical submissions, I have significant concern over the impact that the proposed mitigation of noise would have on the living conditions of future occupiers. The incorporation of sealed window units and mechanical ventilation would address the technical aspect of the issue, but the inclusion of such would undoubtedly diminish the quality of the living conditions available to the affected properties...'

The Inspector went on to find that.

'It would not be unreasonable for future occupiers of all dwellings to expect to be able to open windows to naturally ventilate their properties without the need for, or reliance upon technical and mechanical assistance to maintain a reasonable standard of living conditions.'

The Inspector concluded that this wish for occupiers to be able to open windows in the future in order to achieve satisfactory living conditions would be likely to have an adverse impact on our client's business. In paragraph 17, the Inspector concluded that,

'It would be likely that there would be complaints regarding noise generation from Keenan's Factory, and consequently restrictions on the business would be considered as necessary. Furthermore, the introduction of a neighbouring residential use would undoubtedly place a disproportionate restriction on any future plans that Keenan's may have to extend the operation within the site,

which I note includes a substantial area of open and unused land, albeit I accept that there is no evidence of such intent at this point.'

It must also be noted that the Inspector in reaching this conclusion specifically referred to the expansion land to the South and Keenan's ability to use this in the future. This is the area identified in this application, the use which would give rise to significant adverse impact during night-time hours.

In the context of this decision, it can be seen that there must certainly for any decision make that the technical solutions proposed to ameliorate noise impact are ones which are deliverable and likely to ensure that adverse impact and subsequent complaints will not arise. As can be seen it is not appropriate to propose permanently closed windows supplemented by a mechanical ventilation system and not is it acceptable to provide opening windows where the opening of them is likely to lead to noise complaints. In this context of the application as currently submitted the proposal simply brings forward a list of amelioration options which the detail of which is not classified as a specific scheme within the application. It is considered that due to the significance of this issue these matters cannot be simply left to be considered as part of a planning condition. The details of any noise amelioration are required to be confirmed in detail at the application stage in order that they can be addressed in the context of relevant legislation and also the 2016 Inspectors appeal decision. Unless this is done it cannot be concluded that the principle of development is acceptable. As things stand, we must conclude that the proposal has not demonstrated satisfactorily that the residential development proposed can be brought forward in a manner which will not result in either unacceptable amenity standards for future occupiers against our clients. The proposal therefore does not meet the requirements of the NPPF and specifically paragraph 182 of the revised framework which states that '*decisions should ensure that new development can be integrated affectively with existing businesses.*' It also advises that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of permitted after they were established. We consider that the proposal, in its present form, has not demonstrated compliance with this aspect of the NPPF and therefore in the absence of required detailed information on noise amelioration, it should be refused permission.

This letter sets out our concerns in relation to the current application and the wider approach to development of this allocated mixed-use site. At present it can be clearly seen that this application is not consistent with the Local Plan allocation as it brings forward a residential development without any employment uses within it. It runs contrary to the purpose and content of policy S4.3 as clearly demonstrated by reference to the 2017 Inspector's report. The level of housing development sought is inconsistent with the levels of housing provision within the land allocation and it is clear that the form of development gives rise to noise considerations and concerns for our client which would not be present if the development were brought forward in compliance with policy S4.3. As part of a recently adopted Local Plan it is expected that this policy would be adhered to and this is not being adhered to it is considered that the proposal is unacceptable. Further to this and without prejudice, we consider that within the context of the scheme now proposed it has also not been demonstrated that the scheme can be developed in a manner which will not give rise to adverse noise

impacts upon future occupiers which would consequently lead to complaints against our client's business operation. We consider that the application is not capable of being approved in the absence of a detailed scheme of noise mitigation to demonstrate that the amenity of occupiers can be safeguarded in a manner which is appropriate in the context of the previous 2016 appeal decision on the neighbouring site. On the basis of the above points we would therefore request that the current application is refused and we would also wish to reserve the right to speak at any forthcoming planning committee at which the application is considered.