

Application No: 19/01674/FUL Author: Will Laing
Date valid: 13 December 2019 ☎: 0191 643 6320
Target decision date: 13 March 2020 Ward: Valley

Application type: full planning application

Location: Land West Of 115 and land North Of 119 Castle Square, Backworth, NEWCASTLE UPON TYNE

Proposal: The proposed development is a 32-unit residential scheme comprising of affordable housing at Castle Square, Backworth. Formation of associated new vehicular access onto Killingworth Lane, improvements to the open space within the site boundary

Applicant: Bernicia Group, See agent details

Agent: Cundall, Miss Rachel Thompson Partnership House Regent Farm Road Gosforth Newcastle Upon Tyne NE3 3AF

RECOMMENDATION: Minded to grant legal agreement req.

Members are recommended to indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary. Members are also recommended to authorise the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;

- 100% affordable housing;
 - £6,000 towards ecology and biodiversity;
 - £2,700 towards allotments;
 - £22,400 towards children's equipped play;
 - £87,500 towards Primary education;
 - £7,000 towards employment and training (or 1 apprentice); and
 - £5,681 towards coastal mitigation.
- Provision of one grass junior football pitch and one hard surfaced and enclosed multi-use games area or a contribution for appropriate mitigation works off site but in the area in the event that the required permissions are not granted for facilities on the adjoining land.

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

**Proposed accesses
Improved crossing on Killingworth Lane**

Upgrade of footpaths abutting site
Upgrade of footpaths connecting to the site
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Main Issues

1.1 Members are advised that the main issues with this application are as follows:

- Principle of Development;
- Impact on Open Space, Sports Pitches and Children's Play;
- Housing Land Supply;
- Residential Amenity;
- Character and Appearance ;
- Biodiversity, Trees and Ecology;
- Parking and Highway Safety;
- Flood Risk and Drainage;
- Contaminated Land; and
- Other Issues

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

2. Description of the Site

2.1 This application refers to an area of land to the north of Castle Square, Backworth. The site has residential dwellings to the south and to the east, with a roadway (Killingworth Drive) along the west boundary and open space with play equipment to the north.

2.2 The site has a metaled roadway in a U-shaped road in the centre of the site which served a former housing site that has since been demolished, the road to the centre of the site has a footpath running north-to-south to each side. The area is currently soft landscaped with amenity grassland with trees. The area to the west is open space and contains a pair of goal posts. There is another pair of goal posts to the north, with the southern goal post within the application site.

2.3 The western half of the application site is an allocated housing site (Site 27) within the North Tyneside Local Plan and falls within a wildlife corridor. The land within the U-shaped existing roadway is allocated open space.

3. Description of the Site

3.1 This application seeks full planning permission for the erection of 32 affordable homes, providing 22 affordable rented units and 10 shared ownership dwellings.

3.2 The proposed housing development would create a new access from the B1317 (Killingworth Lane), which would run directly east to connect with the existing roadway of Castle Square and would utilise the existing U-shaped road to the north of Castle Square, connecting to both northern arms of the Castle Square roadway.

3.3 The proposal would contain 12 bungalows to the eastern half of the site, all sited within the loop of the existing U-shaped road. A central soft-landscaped would be sited to the rear of the bungalows, which would have gated access for the residents.

3.4 The western half of the site would contain a further 20 buildings consisting of 8 north-facing two-storey apartments to the north of the site, with two rows of 12 two-storey, semi-detached dwellings to the south of the apartments.

3.5 The proposed housing breakdown would be as follows:

Affordable Rent:

2No 2-bed house.

4No 3-bed house.

8No 2 bed apartment.

8No 2 bed bungalow.

Shared Ownership:

2No 2-bed house.

2No 3-bed house.

2No 4-bed house.

4No 2-bed bungalow.

3.6 Each dwelling would have a private amenity space and off-street parking, and there would be 12 visitor parking spaces.

4. Relevant Site History

None.

5. Development Plan

5.1 North Tyneside Local Plan 2017

6. Government Policy

6.1 National Planning Policy Framework (February 2019)

Planning Practice Guidance (As amended)

6.2 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining

development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7. Main Issues

7.1 Members are advised that the main issues with this application are as follows:

- Principle of Development;
- Impact on Open Space, Sports Pitches and Children's Play;
- Housing Land Supply;
- Residential Amenity;
- Character and Appearance;
- Biodiversity, Trees and Ecology;
- Parking and Highway Safety;
- Flood Risk and Drainage;
- Contaminated Land; and
- Other Issues

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

8. Principle of Development

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 8 of NPPF states that a social objective is one of the three overarching objectives of the planning system and that amongst other matters it should seek to support a sufficient number and range of homes to meet present and future needs which support communities' health, social and cultural well-being.

8.3 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision makers should approve development proposals that accord with an up-to-date development plan without delay.

8.4 Paragraph 59 of NPPF states that to support the Government's objective to significantly boost the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.5 Local Plan Policy S1.2 of the Local Plan states that the wellbeing and health of communities will be maintained and improved by amongst other matters requiring development to create an age friendly, healthy and equitable living environment.

8.6 Local Plan Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever

possible that improve the economic, social and environmental conditions in the area.

8.7 Local Plan Policy S1.4 'General Development Principles' states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence-based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.8 Local Plan Policy S4.3 'Distribution of Housing Development Sites' states: "The sites allocated for housing development are identified on the Policies Map of the North Tyneside Local Plan 2017, including those identified for both housing and mixed-use schemes. The Strategic Housing Land Availability Assessment 2016 outlines that these sites have an overall capacity of approximately 8,838 homes, assessed as being deliverable and developable over the plan period to 2032." This policy identifies part of the application site, as well as land adjacent to the application site, as Site 27 'Land at Castle Square Backworth', a greenfield site. The Local Plan identifies that this site can provide a potential of 14 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. The issue is whether the site can adequately accommodate the amount of housing proposed. This is considered in a latter section of this report.

8.9 The application site is located within a well-established residential area of Backworth with access to bus stops to the west of the site. The site is located approximately 650m from the village amenities (shop, takeaway and community hall), 900m from the nearest primary school (Backworth Primary) and approximately 1.6km from the Northumberland Park District Centre.

8.10 The allocated housing site does not include the area inside (south) of the existing u-shaped road loop but does include the area to the north and east of the application site, including the play area. The area south of the U-shaped road loop is allocated as open space in the Local Plan. Whilst the proposal includes a small area outside of the allocated housing site on open space, this repositioning allows for the retention of the children's play area and the proposal does not propose housing development on the whole of the allocated housing site. As such, the location of 12 houses on the allocated open space would allow for the retention of a larger area of open space which is currently allocated for housing development. As such, it is officer opinion that the elements of the proposal outside of the proposed allocated housing site is acceptable in this instance.

8.11 It is noted that objections have been received on the principle of housing due to the recent housing development to the south of Backworth and the proposed Killingworth Moor Strategic site. However, this is an allocated housing site that forms part of the Council's 5 year Housing Land Supply, and it is officer advice that it would be unreasonable to prejudice the proposal on the basis of nearby existing and proposed developments.

8.12 An objection has been received stating that the site is greenfield without history of being a brownfield site. Officers would make members aware, that while part of the site is the location of previously demolished housing, the site has been grassed for a considerable time and is considered a greenfield site under Policy S4.3 of the Local Plan 2017.

8.13 Objections have been received on the grounds that the proposal would be development within the Green Belt with no special circumstances and/or development within special landscape area. Officers would make Members aware that the application site is not within the designated green belt, or within a designated special landscape area.

8.14 It is acknowledged that objections have stated that there is no demand for additional housing in Backworth owing to the recent housing development and proposed developments at the Killingworth Moor strategic site. While these objections are noted, the site is an allocated housing site within the local plan and the demand for housing should be assessed as a borough wide strategic issue and not restricted to demand within the existing village.

8.15 It is noted that objections have been received on the increase from 14 dwellings identified in the Local Plan 2017 and from 28 dwellings as proposed by the developers within the original consultation. The increase in units is acknowledged, however as stated above the numbers identified in the Local Plan are not a prescribed limit and as such it would not be reasonable to refuse the application on these grounds.

8.16 Members need to consider whether the principle of the development is acceptable. It is officer advice that the principle of the proposed development on this site is considered to be acceptable having regard to policies S1.2, DM1.3, S1.4 and S4.3 subject to further consideration of the loss of open space, and consideration of the impact on sports and recreation below.

9.0 Impact on Open Space, Sports Pitches and Children's Play.

9.1 Policy S5.1 states the Council will seek the protection, enhancement, extension and creation of green infrastructure in appropriate locations within and adjoining the Borough which supports the delivery of North Tyneside's Green Infrastructure Strategy. Where deficiencies in the quality of green infrastructure and in particular types of green infrastructure are identified in relevant up-to-date evidence, improvements will be targeted to those areas accordingly.

9.2 Policy DM5.2 states the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or,
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or,
- d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

9.3 Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections.

9.4 Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

9.5 Policy DM5.3 states within North Tyneside, accessible green space will be protected and enhanced to be of the highest quality and value. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy. Opportunities should be sought to improve provision for new and existing residents.

9.6 Policy S7.10 states the Council and its partners will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhoods that they serve.

In order to achieve this:

d. Opportunities to widen the cultural, sport and recreation offer will be supported; and,

e. The quantity and quality of open space, sport and recreation provision throughout the Borough will be maintained and enhanced.

9.7 'A Sporting Future for the Playing Fields of England' the Sports England Playing Fields Policy, Exemption 4 states 'The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development'.

9.8 It is noted that several objections have been received on the loss of the playing field, football pitches and community/amenity space and that there is not alternative open space or play space. While the proposed development is on a grassed area, as referred to in section 8 of this report, the only section that is designated open space within the Local Plan 2017 is the grassed area within the existing U-shaped roadway. The allocated housing site (no.27) extends northwards beyond the proposed dwellings, as such the Landscape Architect and Biodiversity Officer had initially submitted concerns regarding the loss of open space should a future application come forward. The land directly to the north of the site is not proposed for housing development and the Landscape Architect and Biodiversity Officer have withdrawn their objection to the loss of open space on the basis that this land is retained for open space and given there is some open space provision within the site.

9.9 It is noted that objections have been received on the loss of the children's play area. The proposal does not include the removal or alteration to the existing children's equipped play area to the north of the application site. Sport England initially objected to the proposed development due to the loss of a sports pitch.

This relates to the western part of the site where there are goal posts present. Whilst the Council did not consider these areas with goal posts to constitute a formal playing pitch, Sports England advised they consider any form of goal post a demarcation and therefore a sports pitch. In light of this the applicant has agreed to the replacement of the existing goal posts with a demarcated football pitch and a MUGA, or a financial contribution for suitable mitigation at an appropriate location in lieu of this. The installation of the playing pitch and the MUGA or financial contribution shall be controlled by means of a S106 agreement. In the event the MUGA could not be located on the land to the north of the housing site, there would be a financial contribution provided for alternative mitigation.

9.10 Having regard to the above, the applicant would be providing enhanced replacement facilities and therefore complying with exemption 4 of the Sports England Playing Fields Policy – ‘A Sporting Future for the Playing Fields of England’, and as such Sports England have withdrawn their objection.

9.11 Objections have been received stating that the short-term benefits of the land sale would not outweigh the long-term costs of health and the land should be kept for open space, outdoor activities and play, and not for housing. Whilst some greenspace is being lost, a significant area of greenspace is being retained, including the children’s play-space and the replacement football pitch would be an enhanced facility in comparison to the existing goal posts. As such, a significant area of enhanced play space, open space and amenity space is retained for future public use. On the balance of issues, it is officer advice that the retained level of greenspace with improved playing field and MUGA (or relevant financial contribution in lieu of the MUGA) is acceptable and deemed to outweigh the small loss of greenspace.

9.12 Objections have been received stating that all dwellings must have open space within 300m, and that the land is crucial to the well-being of residents. Whilst the development results in the loss of a small part of the greenfield site, this is not the entirety of the open space and enhanced facilities are being provided.

9.13 Further letters of objection have been received on the grounds that the open space will be in increased demand due to the surrounding developments to the south and proposed at Killingworth Moor. Each development must be assessed on its own merits, with each future development making its own provision for open space, playing fields, indoor & outdoor sports and equipped children’s play in accordance with national and local policies. As such, it would be unreasonable to refuse this application on the grounds the open space may be required for potential future development.

9.14 Members need to determine whether the application is acceptable in terms of open space, sports pitches and children’s play. It is officer advice that the proposed provision of housing and the mitigation being proposed would outweigh the loss of some of the green space and is acceptable. It is officer advice that the proposal complies with policies DM5.2, DM5.3 and S7.10.

10. North Tyneside Council Housing Land Supply

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

10.2 The most up to date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 6.1 year supply of housing land). It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017).

10.3 Although the Council can demonstrate a five-year supply of deliverable housing sites, this site is identified as part of that supply and it is officer opinion that the proposed dwellings will make a contribution towards the five year housing land supply.

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

11. Impact on Residential Amenity

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

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

11.3 Policy DM4.9 states that all new housing will meet the Governments Nationally Described Space Standards (NDSS).

11.4 Policy DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

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

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

11.7 The proposed dwellings would be laid out in two streets running north-south in the western half of the site, with the proposed bungalows arranged in a U-shaped facing out onto the existing road with their rear boundaries backing onto a grassed amenity space. The development has been laid out to ensure that none of the proposed residential properties result in the over-looking or overshadowing of any other of the proposed dwellings, or any of the existing dwellings to the south.

11.8 Each dwelling has off-street parking, dedicated refuse storage and a private rear amenity space, furthermore all of the proposed dwellings meet the nationally described space standards. As such, it is the opinion of officers that the proposed development would have an acceptable level of residential amenity of the future occupiers.

11.9 It is noted that objections have been received on the grounds of privacy, however plots 20, 21 and 32, which are the nearest proposed dwellings to the existing properties of Castle Square would all be either east or west facing to match no.50, no.115 and no.129 Castle Square to ensure that there are no habitable windows directly overlooking the amenity spaces or habitable windows of the existing dwellings.

11.10 Plot no.20 would be situated approximately 34m north of no.50 Castle Square, which would be gable-to-gable, and there would be a separation distance of approximately 17m between the front elevations of No.115 Castle Square and the proposed dwelling on plot 20 and these dwellings would be separated by their respective front gardens and the road with a footpath on each side. It is officer advice that this is a sufficient distance to ensure the privacy of both dwellings.

11.11 Plot 21 would be set approximately 7m north of no.115 Castle Square and plot no.32 would be set 4m north of no.129, and as both the proposed dwellings are bungalows and would have their side elevations facing the existing properties, the proposed dwellings would not have a significant detrimental impact on the light or outlook of the existing dwellings.

11.12 It is acknowledged that plots 7 to 14, which form 2No pairs of semi-detached flats to the northwest would have balconies on the front elevation, which would overlook the open space to the north. As such, the proposed balconies would not have a detrimental impact on the proposed or existing

dwellings. It is further noted that the first-floor flats would have large glazing and Juliet balconies in the rear (south) elevation, however, they do not project any further than the rear building line and as such they would have no further impact on the privacy of the proposed and existing dwellings than a traditional window.

11.13 Objections have been submitted on the ground of disturbance, fumes, noise, dust/dirt. These would not be issues associated with the completed residential development, however they are likely to be issues during the construction phase of the development and shall be considered in conjunction with the objections on disruption, noise and litter and mud on the public highway during the construction phase of the development. The applicant has submitted a detailed construction method statement, construction traffic management plan and dust control plan, which shall be conditioned to ensure that disturbance and dust shall be minimised during the construction phase of the development.

11.14 In addition to ensuring the development is carried out with full accordance with the construction method statement and dust control document, the Manager of Environmental Health has recommended conditions to control the construction and demolition hours of the proposed development in the interest of residential amenity, given the close proximity of residential properties.

11.15 Objections have been made on increased air pollution and the loss of air quality. The increase of 32 dwellings would not be such an increase as to result in a significant increase in air pollution and as such this is not reasonable grounds for refusal.

11.16 The Manager of Environmental Health has requested a series of conditions for a noise scheme and any required mitigation for the proposed dwellings to the west of the site due to their proximity to Killingworth Lane (B1317), including conditions for a noise scheme for the dwellings facing Killingworth Lane. Subject to conditions relating to noise mitigation, it is considered that an acceptable level of amenity can be achieved for occupiers of the proposed dwellings.

11.17 Members need to determine whether the proposal would be acceptable in terms of amenity for the proposes and existing residents. It is officer advice that subject to the recommended conditions the proposal would comply with policies S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

12. Impact on Character, Appearance and Heritage Assets

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

12.2 Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (para.130). In

determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

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

12.4 Policy DM6.5 states that North Tyneside Council aims to proactively preserve, promote and enhance its heritage assets.

12.5 The Council has produced an SPD on Design Quality (2018). It states that the Council will encourage innovation in the design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced, and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

12.6 The application has submitted a design and access statement and materials schedule to fully detail the character and appearance of the proposed buildings. The proposed layout of the application site would ensure the existing roadway is utilised and integrated into the existing Castle Square roadway and ensure that the development reflects the street layout of the surrounding area.

12.7 The proposed development would ensure that the eastern half the site is occupied by the proposed bungalows to reflect the mass and scale of the bungalows they would be adjacent to, while the two-storey dwellings would be located to the west of the site to reflect the scale of the two-storey dwellings of Castle Square that are adjacent to Killingworth Lane. As such, it is the opinion of case officers that the proposal would reflect the mass, scale and layout of the surrounding areas.

12.8 The dwellings have been designed to reflect the mass and height traditional two-storey and single storey bungalows with dual-pitched roofs, using buff or red brick walls with timber cladding and grey tile roofs to give a well-designed contemporary finish.

12.9 The neighbouring properties to the south have a mix of materials with the older buildings having mix of coloured render (predominantly either white or grey), with the more modern properties to the south of Castle Square having a more contemporary finish. As such, it is the officer opinion that the design, mass, materials and layout of the proposed development is considered to be acceptable in terms of design, character and appearance.

12.10 Objections have been received on the grounds of visual intrusion and the loss of visual amenity. It is the view of the case officers that the siting and layout of the proposal to the north of Castle Square would ensure the development

would integrate well with the existing street layout with well-designed dwellings, and as such the proposal would not result in visual intrusion or the unacceptable loss of visual amenity.

12.11 Objections have been received regarding the impact of the proposal on the Backworth Conservation area and impact on Listed Buildings. The Backworth Conservation Area is set approximately 100m to the east of the application site boundary and would be screened from the Conservation Area and the nearest listing buildings (Backworth Hall and Grounds) by the two-storey dwellings along Killingworth Avenue to the east. The dwellings of Killingworth Avenue fall outside of the Conservation Area and these dwellings are not heritage assets. As such, it is the view of officers that the proposal would not have an impact on the character, appearance or setting of the boroughs heritage assets.

12.12 An objection has been received on the grounds that the proposed flats/blocks of flats are not suitable for the Conservation Area or Backworth. As stipulated above, the site is not within the Backworth Conservation Area. Furthermore, the flats have been designed in the same character as the proposed and existing two-storey semi-detached dwellings to the south. Officers would also note that there are blocks of flats in Backworth Conservation Area, such as the former Deuchars Public House.

12.13 Members are to determine whether the proposal is acceptable in terms of character, appearance and impact on the setting of heritage assets. It is officer advice that the proposal would comply with policies DM6.1 and DM6.5 of the Local Plan 2017.

13. Impact on Biodiversity, Trees and Ecology

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

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

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of

Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

13.4 Para. 177 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

13.5 Policy DM5.5 of the Local Plan states that all development proposals should:

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

13.6 Policy DM5.6 of the Local Plan states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans and projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated. If necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of mitigation measures.

13.7 Policy DM5.7 states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

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

13.9 The North Tyneside Coastal Mitigation Strategy SPD 2019 sets out the requirements for Coastal Mitigation Contributions for residential and tourism related development.

13.10 A landscaping plan, Primary Ecological Appraisal (including protected species desk survey) and Arboricultural Impact Assessment has been submitted with the application, which have been reviewed by the Landscape Architect and Biodiversity Officer. The application site is located within a wildlife corridor.

13.11 The application site would result in the loss of 20No. category B and category C trees during the construction of the proposal. However, the applicant is proposing the planting of 40No trees throughout the development to provide mitigation for the lost trees, in addition to the planting within the proposed landscaping scheme.

13.12 The Landscape Architect and the Biodiversity Officer have reviewed the submitted plans, and while the loss of the 20No trees would have a detrimental impact on ecology, the proposed 40No replacement trees and the landscaping plan would provide sufficient mitigation for their loss. The revised landscaping plan submitted by the applicant has been reviewed, however the Landscape Architect and Biodiversity Officer has advised that while it is broadly acceptable, further small amendments need to be made, which would be suitably controlled by means of condition. As such it is the view of officers that subject to conditions the proposal would offer suitable mitigation for the loss of trees and soft landscaping on site.

13.13 In addition to the requested landscaping condition, the Biodiversity Officer has requested conditions for a scheme of bird and bat boxes and hedgehog gaps within fencing in the interests of ecology. Further conditions have been requested to ensure the construction phase would include biodiversity protection measures including that no vegetation shall be removed during bird nesting season; any excavations left overnight have a means of escape for mammals, and lighting to be installed in accordance with the BCT/Institute of Lighting Engineers Guidance 'Bats and Lighting'.

13.14 Natural England has been consulted. They have raised no objection to the proposed development subject to the applicant paying the Coastal Mitigation tariff.

13.15 It is noted that objections have been received on the cumulative loss of greenspace wildlife and habitat; loss of wildlife and wildlife habitat, impact on bats and hedgehogs, loss and damage to trees. While these comments are noted, the advice from the Council's Landscape Architect and Biodiversity Officer is that proposal would not impact on protected species and that subject to conditions, sufficient mitigation shall be provided to ensure the development would not result in a net loss of biodiversity or ecology.

13.16 Objections has been received on the grounds of the impact on a SSSI and that the land is appropriating a wildflower meadow. The site is not within a SSSI and the site does not contain a wildflower meadow.

13.17 Members need to determine whether the proposal is acceptable in terms of its impact on biodiversity, trees and ecology. It is officer advice that, subject to the imposition of the suggested conditions and securing the coastal mitigation contribution, the proposal would be acceptable in terms of biodiversity, trees and ecology and would comply with policies DM5.5, DM5.6, DM5.7 and DM5.9 of the Local Plan 2017.

14 Parking and Highway Safety

14.1 National Planning Policy Framework paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe. The NPPF paragraph 110 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

14.2 Policy S1.4 'General Design Principles' stipulate that proposed development be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

14.3 Policy S7.3 'Transport' states future transport provision should reflect existing demand and also take account of planned economic and housing growth to ensure an integrated approach to sustainable development and travel patterns. Through the objective to deliver a modal shift to more sustainable modes of transport, there is an emphasis on increasing the modal share of public transport, walking, cycling and other non-motorised modes for journeys both within the Borough and beyond. This recognises the requirement to reduce impacts that contribute to climate change and encourage active and healthier lifestyles.

14.4 Policy DM7.4 states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being.

14.5 The North Tyneside Transport and Highways SPD stipulates that the off-street parking criteria for housing is 1 space per dwelling for properties up to 2 bedrooms, 1 additional space per additional bedroom thereafter and; 1 space per 3 dwellings for visitors.

14.6 Highways England have been consulted and have no objection to the proposal based on the submitted Transport Statement. Following consultation with Highways England and the Highways Network Manager, the applicant has submitted a Construction Method Statement, Dust Control Plan and Site Traffic Management Plan.

14.7 Parking demand can be fully met within the site, including visitor parking which is proposed to be spread across the development. Adequate turning space

is also incorporated within the layout to enable personal, emergency service and service vehicles to enter and exit in a safe manner.

14.8 The Highways Network Manager supports the proposal subject to a suitable S278 Agreement and the imposition of conditions as listed within their consultation response. The requested conditions include provision of parking spaces; refuse details; the layout of the new and altered access points and turning heads and; the closure of any redundant access points prior to occupation, in the interest of highway safety.

14.9 The Construction Method Statement, Site Traffic Management Plan and Dust Control plans shall be controlled by condition in line with the recommendations from Highways England and the Highways Network Manager. While it is acknowledged that objections have been received on the grounds of safety and congestion due to construction traffic vehicles, the Construction Method Statement, Site Traffic Management Plan and Dust Control Plan shall ensure that the site is operated in a safe manner and that congestion is minimised during construction.

14.10 It is noted that objections have been submitted on the grounds of insufficient parking, increases to existing vehicle congestion and the recent increase in congestion of the B1317 to the east and the surrounding area. The proposal would be limited to 32 dwellings and Highways England have advised the proposal would not impact on the strategic road network and the Highways Network Manager has no objection to the proposal and the proposed new access and road layout subject to conditions.

14.11 Having regard to the above, it is officer advice that the proposal would not have a significant impact on parking or parking congestion in the surrounding area.

14.12 Objections have been received on the grounds of highway safety and potential danger to children using the playing fields to the north (or the loss of playing fields forcing children to play in the street).

14.13 The applicant has submitted road layout plans and the development provides sufficient parking in line with the 'Transport and Highways' SPD and the Highway Network Manager has no objections to the proposed plans. As such, it is considered that the proposal would not increase the risk to highway safety, or the users of the open space to the north of the site.

14.14 Members need to consider whether the proposal is acceptable in terms of parking, highway safety and impact on the highway network. It is officer advice that subject to conditions the proposed complies with policies S1.4, S7.2 and DM7.4 of the North Tyneside Local Plan 2017.

15. Flood Risk and Drainage

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

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

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

15.4 All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

In addition to the requirements of national policy, development will avoid and manage flood risk by:

- a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and
- b. According with the Council's Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas.

15.5 Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

15.6 Policy DM5.15 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

15.7 The application site is assessed as Flood Zone 1 which is the lowest risk. The applicant has submitted a Flood Risk and Drainage Assessment, and a Public Drainage Plan in support of the application.

15.8 The Local Lead Flood Authority (LLFA) and Northumberland Water Ltd have been consulted and have raised no objections to the proposed development. The LLFA officer advises that the applicant will be attenuating surface water within the site for up to a 1in100yr Rainfall Event including a 40% increase for climate change. The attenuation will be in the form of upsized sewers, an underground storage tank and permeable paving within the private driveways. The surface water from the site will then be discharged into the local sewer network at a restricted discharge rate of 5l/s.

15.9 It is noted that objections have been received on the grounds of inadequate drainage and existing flooding at the site. However, the applicant has submitted sufficient evidence to show the proposed development would not be at risk from flooding, or increase flood risk to the neighbouring development, having regard to the existing ground conditions.

15.10 The LLFA Officer has requested that a condition be attached to ensure the proposed development is carried out in full accordance with the submitted Public Drainage Plan and the imposition of a condition to supply the details of company appointed to carry out maintenance of drainage features prior to occupancy.

15.11 Members need to determine whether the proposal would be acceptable in terms of flood risk and drainage. It is the opinion of case officers that the proposal complies with policies DM5.14 and DM5.15 of the Local Plan 2017.

16. Contaminated Land

16.1 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation. Paragraph 179 of the NPPF goes on to say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner. In addition NPPG makes it clear that planning applications in the defined Coal Mining High Risk Area must be accompanied by a Coal Mining Risk Assessment.

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

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

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

16.3 The application site falls within a contaminated land buffer zone. The applicant has submitted a Phase 1 Desk Top Study and Coal Mining Report and a Phase 2 Ground Investigation Report to support the application.

16.4 The Contaminated Land Officer has no objection in principle to the development or the findings of the submitted documents. The Contaminated

Land Officer has advised that the proposal is acceptable in terms of contaminated land and land stability subject to the imposition of further conditions for the gas protection measures and the method of asbestos removal.

16.5 The Coal Authority has been consulted. They have raised no objections to the proposed development.

16.6 Several objections have been raised indicating that the site previously contained dwellings that were demolished due to subsidence and mining issues. The applicant has submitted detailed ground investigation reports to demonstrate the proposal can safely be constructed without ground stability issues.

16.7 Members are to determine whether the proposal is acceptable in terms of contaminated land and ground stability. It is officer advice that subject to conditions, the proposal complies with policy DM5.18 of the Local Plan 2017.

17.0 Other Issues

17.1 Section 106 Agreement

17.2 The NPPF states that planning obligations must only be sought where they are 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.

17.3 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations makes it unlawful for a planning obligation to be taken into account in determining a planning application, if it does not meet the three tests set out in Regulation 122. This states that a planning obligation may only constitute a reason for granting permission for the development if the obligation is:

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

17.4 Policy S7.1 states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision. The Council will also work together with other public sector organisations, within and beyond the Borough to achieve funding for other necessary items of infrastructure. This will include the use of combined and innovative funding schemes to maximise the amount and impact of funding. New development may be required to contribute to infrastructure provision to meet the impact of that growth, through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where: a. It is not possible to address unacceptable impacts through the use of a condition; and b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable. In determining the level of contributions required from a development, regard will be given to the impact on the economic viability of the scheme.

17.5 Policy DM4.7 'Affordable Housing' states that to meet the Borough-wide target the Council will seek 25% of new homes to be affordable, on new housing

developments of 11 or more dwellings. In all but the most exceptional cases the Council will require affordable housing provision to be made on-site.

17.6 Policy DM7.2 states that the Council is committed to enabling 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 proposed scheme. In these circumstances the Council may:

- a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development;
- b. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

17.7 When determining the contributions required, consideration will be given to the applicant's overall conformity with the presumption in favour of sustainable development.

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

17.9 The Council's adopted SPD on Planning Obligations LDD8 (2018) states that the planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that the necessary infrastructure facilities are provided to mitigate impacts, ensure enhancements and achieve a high-quality environment where people choose to live, work, learn and play.

17.10 The SPD states that the Council will take a robust stance in relation to the requirements for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

17.11 The applicant proposes that all of the proposed units would be affordable with a mix of affordable rent and shared ownership dwellings.

17.12 The S106 subgroup of the Investment Programme Board (IPB) has considered the S106 contributions being sought. The following contributions have been requested:

- £6,000 towards ecology and biodiversity;
- £2,700 towards allotments;
- £22,400 towards children's equipped play;
- £87,500 towards Primary education;
- £7,000 towards employment and training (or 1 apprentice); and
- £5,681 towards coastal mitigation.

17.13 These contributions are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefor comply with the CIL Regulations.

18. Local Financial Considerations

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

18.2 The proposal involves the creation of 32 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

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

19. Other objections

19.1 The Campaign to Protect Rural England Northumberland (CPRE) have objected on the grounds insufficient note was taken when the Local Plan designated site 27 for housing. The Local Plan was carried out in full accordance with the consultation required for its adoption and was found to be sound by the Secretary of State.

19.2 Objections have been submitted on financial grounds, objecting to the Council's sale of the land; and that the residents' council tax have been spent maintaining the open space. These are not material planning considerations and are therefore not reasonable grounds for refusal. Further objections were raised on the loss of property value for the existing residents, this is not a material planning consideration.

19.3 Objections have been received on the lack of consultation carried out by the Council. Members are made aware that all consultations and publicity required by the Town and Country Planning (Development Management Procedure) Order 2015 have been carried out.

19.4 An objection has been submitted with concerns that the proposed housing would not be affordable. Members are made aware that the applicant has agreed to enter a S106 agreement to ensure that the development is 100% affordable housing.

19.5 Objections have been received on the loss of views. There is no 'right to a view/views' under planning system and this is not reasonable grounds for refusal.

19.6 Objections have been received stating that Backworth has doubled in size with developments and the area is becoming over-populated. Each application must be considered on its own merits.

19.7 Concerns have been raised over potential damage to the existing properties during construction and citing past experiences with water pressure and power cuts during construction. Damage to property is a civil law matter and not reasonable grounds for refusal.

19.8 Objections were received raising concerns that should this application be approved, another application for an increased amount of units would be submitted. The application must be determined based on the information provided and not potential future applications.

20. Conclusion

20.1 Members need to consider whether the proposal will impact on the adjoining properties, whether the occupants of the proposed dwellings will have a suitable level of residential amenity, whether the development would have an acceptable impact on the character of the area, ecology, biodiversity, flood risk, drainage and the highway network.

20.2 Part of the site is allocated for housing development and mitigation is proposed for the loss of open space on the site. The proposed development would be in keeping with the streetscene and the character of the area and would provide additional homes. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity, character of the area, ecology, biodiversity, playing fields, children's play sites, open space, flood risk, drainage and the highway network.

20.3 The development is considered to comply with relevant national and local plan policy and is therefore recommended for conditional approval subject to a S106 agreement.

RECOMMENDATION: Minded to grant legal agreement req.

Members are recommended to indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary. Members are also recommended to grant plenary powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;

- 100% affordable housing;
 - £6,000 towards ecology and biodiversity;
 - £2,700 towards allotments;
 - £22,400 towards children's equipped play;
 - £87,500 towards Primary education;
 - £7,000 towards employment and training (or 1 apprentice); and
 - £5,681 towards coastal mitigation.
- Provision of one grass junior football pitch and one hard surfaced and enclosed multi-use games area or a contribution for appropriate mitigation works off site but in the area in the event that the required permissions are not granted for facilities on the adjoining land.**

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

Proposed accesses

Improved crossing on Killingworth Lane

Upgrade of footpaths abutting site

Upgrade of footpaths connecting to the site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

Conditions/Reasons

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

- Application Form (dated 11.12.2019)
- 000 Rev P2: Site Location Plan (dated 04/12/2020)
- 002 Rev P14: Proposed Site Plan (dated 16/07/20)
- 003 Rev P7: Proposed External Finishes Plan (dated 03/06/20)
- 004 Rev P6: Proposed Bin and Cycle Storage Plan (dated 03/06/20)
- 007 rev P1: Proposed Site Traffic Management Plan (dated Jan 2020)
- 19111-CK-XX-XX-DR-C-52-110 Rev P1: Proposed Public Drainage (dated 29/11/2019)
- 19111-CK-XX-XX-DR-C-52-170 Rev P1: Standard Details (dated 29/11/2019)
- 19111-CK-XX-XX-DR-C-90-120 Rev P1: Proposed Levels (dated 29/11/2019)
- 19111-CK-XX-XX-DR-C-90-123 Rev P2: Proposed Sports Pitches External Levels U7 & U9 (dated 02/06/2020)
- 19111-CK-XX-XX-DR-C-90-200 Rev P1: Autotracking 10.6m Refuse Vehicle Full Development - Sheet 1 (dated 29/11/2019)
- 19111-CK-XX-XX-DR-C-90-201 Rev P1: Autotracking 10.6m Refuse Vehicle Sheet 2 (dated 29/11/2019)
- 200 Rev P2: Proposed HT A1 - 2B4P Plans and Elevations (dated 02/12/2019)
- 201 Rev P1: Proposed HTA2 - 3B5P Plans and Elevations (dated 11/11/2019)
- 202 Rev P1: Proposed HT A3 4B6P Plans and elevations (dated 11/11/2019)
- 204 Rev P1: Proposed HT B3 2B3P Bungalow Proposed Plans and Elevations (dated 11/11/2019)
- 205 Rev P1: Proposed HT T1 / T2 Apartments Plans and Elevations (dated 11/11/2019)
- 206 Rev P1: Proposed HT A2 (Variant 1) - 3B5P Plans and Elevations (dated 11/11/2019)
- 207 Rev P1: Proposed HT T1 / T2 Apartments Plans and Elevations (dated 11/11/2019)

- 300 P3: Proposed Streetscenes (dated 04/12/2019)
- C-1744-01 Rev F: Landscaping Plan (dated 27.07.2020)
- Bernica_CastleSq_AIA1.4: Arboricultural Impact Assessment (dated 05/12/2020)
- Design and Access Statement Rev 3 (04.12.2019)
- Materials Schedule Rev 1 (dated 28.11.2019)
- 1024048-RPT-PG01 Rev B: Planning Statement including heritage, open space and affordance housing (dated 11.12.2019)
- Bernica_CastleSq_PEA1.2: Preliminary Ecological Appraisal (dated 05/12/2019)
- Stage 1 Road Safety Audit Revision A (dated 26/11/2019)
- 191204-830-TSv5: Transport Statement Revision 5
- Flood Risk Assessment & Drainage Strategy Rev A (dated 29/11/2019)
- Phase 1: Desk Top Study and Coal Mining Risk Assessment (dated 18/09/2019)
- Phase 2: Ground Investigation Report (dated 29/09/2019)
- Phase 2: Ground Investigation Report (dated 26/11/2019)
- Phase 2: Ground Investigation Report Addendum Letter Report (dated 21/02/2020)
- Dust Control Plan, Castle Square Backworth
- Construction Phase Health & Safety Plan (22/05/2020)

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. | New Access Access Before Devel | ACC01
0 | * |
| 4. | Altered Access Access Alt Prior to Occ | ACC01
5 | * |
| 5. | Exist Access Closure Misc Points By | ACC01
7 | * |
| 6. | Turning Areas Before Occ | ACC02
5 | *refuse vehicles |

7. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

8. Notwithstanding the submitted plans, no part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

- Proposed accesses
- Improved crossing on Killingworth Lane
- Upgrade of footpaths abutting site
- Upgrade of footpaths connecting to the site
- Associated street lighting

Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

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

Reason: In the interests of highway safety having regard to policies S7.3 and DM7.4 of the North Tyneside Local Plan 2017.

9. No part of the development shall be occupied until a scheme to close off & divert the unnecessary areas of highway 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 prior to the occupation of the first dwelling and retained thereafter.

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

10. Within one month of the commencement of development a fully detailed landscape plan and schedule shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscape scheme shall include details and proposed timing of all new tree, shrub and wildflower planting and ground preparation noting the species and sizes for all new plant species. All trees to be a minimum 12-14cm girth with approximately 20% of trees supplied as extra heavy standards (18-20cm girth).

Reason: In the interest of ecology, biodiversity and visual amenity having regard to policies DM5.5, DM5.6, DM5.7, DM5.9 and DM6.1 of the North Tyneside Local Plan 2017.

11. Landscape Scheme Implementation	LAN00	*
Period	5	

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

Reason: In the interest of ecology and biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

13. 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 angled no greater than 45°.

Reason: In the interest of ecology and biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

14. Prior to the occupation of the first dwelling, a scheme for the provision of hedgehog gaps (13cmx13cm) within any new fencing within the scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the first occupation of the dwelling and retained thereafter.

Reason: In the interest of ecology and biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

15. A scheme of 3 No. bird boxes and 3 No. bat boxes shall be installed on dwellings within the site in accordance with the details set out on Landscape Drawing No. c-1744-001 Rev F prior to the occupation of the first dwelling. These shall thereafter be retained.

Reason: In the interest of ecology and biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

16. All proposed lighting within the hereby approved development shall be designed to minimise light spill to adjacent habitat areas and will be in accordance with the BCT/Institute of Lighting Engineers Guidance 'Bats and Lighting'.

Reason: In the interest of ecology and biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

17. Prior to completion above damp course level, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved noise scheme shall include an assessment of road traffic noise for those properties located to the western boundary of the site adjacent to Killingworth Lane, B1317, providing full details of the window glazing and sound attenuation measures to ensure that bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and to ensure that living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014. The development shall be carried out in accordance with the approved noise scheme.

Reasons: In the interest of residential amenity having regard to policies DM5.18 and DM6.1 of the North Tyneside Local Plan 2017.

18. Prior to occupation of the development full details of a ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall demonstrate an appropriate standard of ventilation with windows closed. Where the internal noise levels specified in BS8233 are not achievable with open windows due to the external noise environment, an alternative mechanical ventilation system must be installed equivalent to System 4 of Approved Document F, to address thermal comfort and purge ventilation requirements and to reduce the need to open windows. The alternative ventilation system shall not compromise the resulting internal noise levels. The development shall be carried out in accordance with the approved scheme.

Reason: In the interest of residential amenity having regard to policies DM5.18 and DM6.1 of the North Tyneside Local Plan 2017.

19. Prior to the first occupation of the hereby approved development, full details of a scheme of acoustic screening for the gardens that have line of sight to the B1317 (Killingworth Lane) shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing scheme shall be installed prior to the first occupation of the hereby approved dwellings and retained thereafter.

Reason: In the interest of residential amenity having regard to policies DM5.18 and DM6.1 of the North Tyneside Local Plan 2017.

20. Restrict Hours No Construction Sun BH HOU00 *
4

21. Restrict Hours No Demolition Sun BH HOU00 *
5

22. The hereby approved development shall be carried out in full accordance with the approved Dust Control Plan, Castle Square Backworth; 007 rev P1: Proposed Site Traffic Management Plan (dated Jan 2020); and Construction Phase Health & Safety Plan (22/05/2020).

Reason: In the interest of residential amenity and highway safety having regard to policies DM5.18, DM6.1 and DM7.4 of the North Tyneside Local Plan 2017.

23. The hereby approved development shall be carried out in full accordance with the Flood Risk Assessment & Drainage Strategy Rev A (dated 29/11/2019) and 19111-CK-XX-XX-DR-C-52-110 Rev P1: Proposed Public Drainage (dated 29/11/2019), and the drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 5101, with surface water being restricted to 5.5l/sec.

Reason: In the interest of drainage and flood risk having regard to policies DM5.12, DM5.14 and DM5.15 of the North Tyneside Local Plan 2017.

24. Prior to any development above damp course level, the applicant shall provide details of the company appointed to carry out maintenance of drainage features.

Reason: In the interest of drainage and flood risk having regard to policies DM5.12, DM5.14 and DM5.15 of the North Tyneside Local Plan 2017.

25. Gas Investigate no Development GAS00 *
6

26. Prior to any site preparation works, screening of the made ground from around the location of WS02 as identified in the Phase 2: Ground Investigation Report 26th November 2019 shall be undertaken and the visible fragments of Asbestos Containing Materials shall be removed. Protection measures will be required during the initial site strip in line with current guidance 2016 CL:AIRE guidance; Control of Asbestos Regulations 2012:

Interpretation for Managing and Working with Asbestos in Soil and Construction and Demolition Materials (CAR SOIL).

A report detailing the handpicking exercise and the findings shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include a requirement for testing in the area of WS2 post handpicking to ensure that there are no asbestos fibres remaining in the made ground.

Reason: In order to prevent contamination and pollution, having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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

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

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

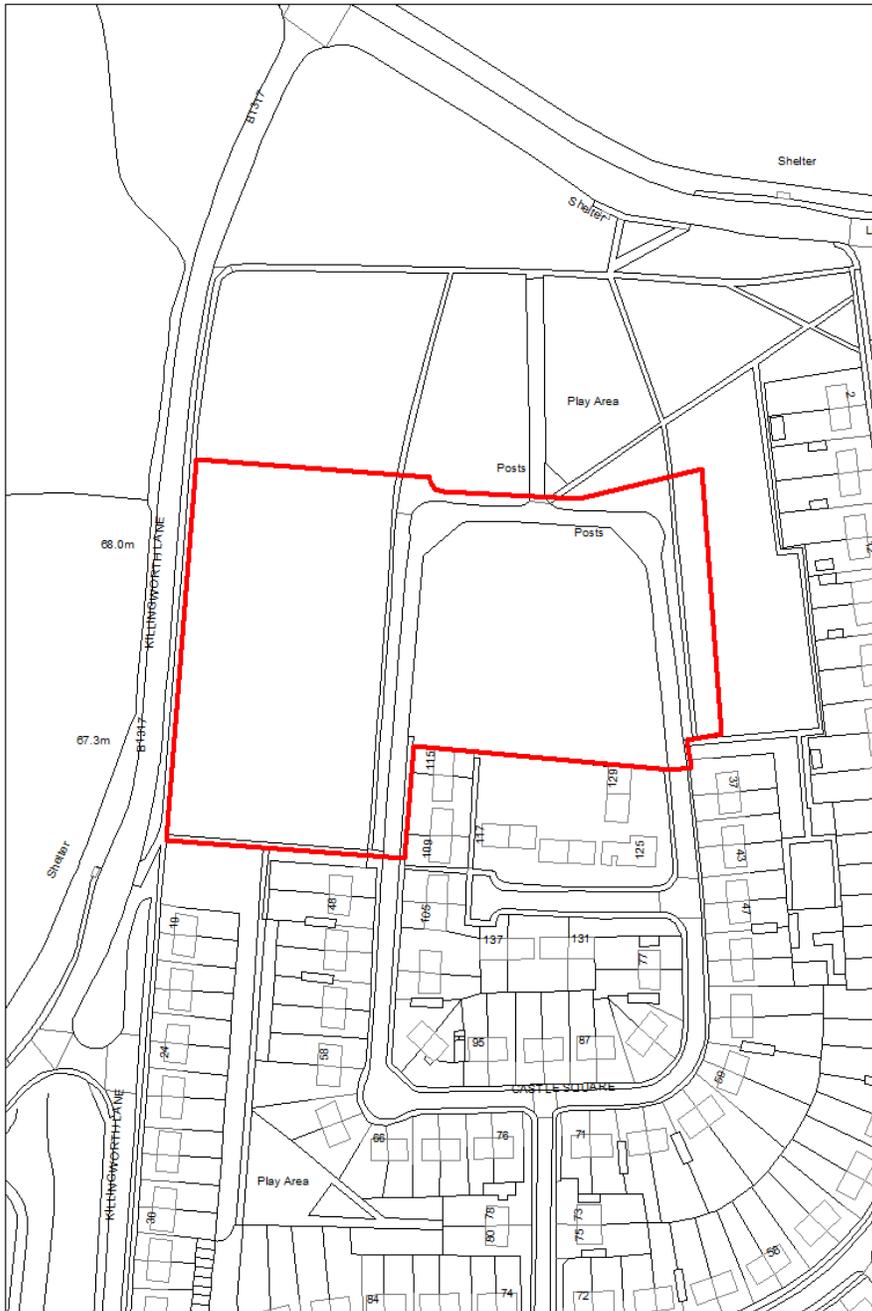
Highway Inspection before dvlpt (I46)

Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

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 8545:2014.



Application reference: 19/01674/FUL

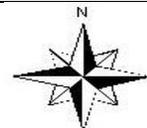
Location: Land West Of 115 And , Land North Of 119, Castle Square, Backworth

Proposal: The proposed development is a 32-unit residential scheme comprising of affordable housing at Castle Square, Backworth. Formation of associated new vehicular access onto Killingworth Lane, improvements to the open space within the site boundary

Not to scale

Date: 15.10.2020

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**Appendix 1 – 19/01674/FUL
Item 1**

Consultations/representations

1.0 Ward Councillors

1.1 Councillor Brian Burdis:

1.2 I request the right to speak as this application will have a profound negative effect on local residents. The development will also compound problems of traffic movement and parking. Further the application takes away a well used play space from local children.

1.3 Reasons for objection:

- Inadequate parking provision
- Loss of residential amenity
- Loss of visual amenity
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion

1.4 I wish to make an objection to this planning application. This application is a development too far for this area of Backworth. In recent years residents have seen the disappearance of three discreet villages, West Allotment, Shiremoor and Backworth, once separated by fields with each having its distinct character.

1.5 The proposed land for the development is the last playing field in the area, used by residents and their children. Building on this land will greatly reduce access to play for children and their ability to play in a relative safe environment.

1.6 The development will also have the effect of surrounding the Castle Park estate with 'new build', residents have suffered years of disruption due to continuous building work.

1.7 Backworth village already suffers from traffic congestion, residents find ingress and egress from Castle Park difficult enough at present without the additional vehicles that this development would bring.

1.8 While most people will accept the need of affordable homes being built, I and the majority of Backworth residents believe that the green space that is proposed for the development is wrong. Developing here will take away one of the last green playing spaces away from Valley Ward, a ward that has suffered development on a scale that is destroying the character and heritage of once discreet and historic communities.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 This application is for a 32-unit residential scheme comprising of affordable housing at Castle Square, Backworth, formation of associated new vehicular access onto Killingworth Lane and improvements to the open space within the site boundary

2.3 A Transport Statement (TS) was submitted as part of the planning application that analysed the highway network in the vicinity of the site as well as the proposed site access. The effects of development traffic on the network are not considered to be severe and the site has reasonable links with public transport. A Framework Travel Plan has also been submitted as part of the application whereby alternative modes of transport will be promoted.

2.4 The site will be accessed via Killingworth Lane and the existing highway at castle square. Parking has been provided in accordance with current standards and cycle storage will be provided for all dwellings, the internal road layout is suitable for the needs of site and conditional approval is recommended.

Recommendation - Conditional Approval

The applicant will be required to close off & divert the footpath that crosses the site under Section 247 & 257 of the Town & Country Planning Act 1980.

The applicant will be required to enter into a Section 278 Agreement for the following works:

Proposed accesses

- Improved crossing on Killingworth Lane
- Upgrade of footpaths abutting site
- Upgrade of footpaths connecting to the site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

Conditions:

- ACC10 - New Access: Access before Devel
- 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

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

Proposed accesses

- Improved crossing on Killingworth Lane
- Upgrade of footpaths abutting site
- Upgrade of footpaths connecting to the site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

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

No part of the development shall be occupied until a scheme to close off & divert the unnecessary areas of highway 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.

Notwithstanding the details submitted, the proposed dust control plan & site traffic management plan shall be carried out in accordance with the agreed details and retained for the duration of construction. This plans included details of construction routes, dust suppression, cleaning of vehicles and prevention of mud & debris on the highway etc.

Reason: In the interests of highway safety

Informatives:

- I05 - Contact ERH: Construct Highway Access
- I08 - Contact ERH: Works to footway.
- I10 - No Doors/Gates to Project over Highways
- I12 - Contact ERH Erect Scaffolding on Rd
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before dvlp

Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

2.5 Landscape and Biodiversity Joint Comments

2.6 The above scheme has submitted an improved Landscape Plan (Dwg No. c-1744-001 Rev F) which includes native hedges, native scrub and wildflower area to the western and southern boundary and 40 heavy standard trees (mainly native). In addition, 3no. bat boxes and 3no. bird boxes are also being provided on new buildings. Whilst there may be some minor amendments required to the Landscape Plan, which can be dealt with by way of condition, the Landscape Scheme is generally considered acceptable in addressing habitat loss within the site and enhancing the wildlife corridor.

2.7 There are a number of semi mature trees on site with a large established group located to the centre of the site. At pre-application stage, comments were provided that '*If a full application is submitted for this site, it should seek to design a scheme that retains existing tree groups within the site and enhances the site for biodiversity to meet the requirements of the above Local Plan policies and the principles of NPPF*'. However, the proposal looks to remove a large number of trees which will result in substantial change to the character of the site. This would be in contravention of Policy DM 5.9 Trees, woodland and hedgerows which states:

The Council will support strategies and proposals that enhance the overall condition and extent of trees and woodland in the Borough, and:

a) Protect and manage existing woodland, trees, hedgerows and landscape features.

b) Where appropriate, secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.

c) Where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes. Such measures will be particularly encouraged where they are compatible with areas designated for their built or nature conservation interest and where they do not impact on site integrity. Planting schemes included with new development must be accompanied by a ten year Management Plan.

2.8 An Arboricultural Impact Assessment has been submitted. The proposal requires the removal of 20 trees from the site, which have been categorised as B and C category trees. The existing trees create a mature landscape, enhance a development and can add significant value. They make a positive contribution to the local landscape character, provides a setting and plays a role in providing key aesthetic views from various public locations as well as contributing to the wider wildlife corridor. The landscape plan proposes a great number of trees to be planted and in terms of mitigation for the loss of trees and to achieve a similar value with new planting, the applicant will be required to plant a number of trees at a larger size so that tree cover is maintained and visual impact is achieved at the outset.

2.9 Concerns were previously raised regarding the loss of open space within the site to housing and the future loss of land to the north and east of the site to the housing leading to a net loss of open space. In order to address this and concerns from Sport England, playing pitches have been provided to the north of the site. However, the sports pitches provide recreational areas for a particular purpose but do not provide general open space for the use of everyone. This type of open space does not replace, like for like, the open space which is being lost within the site for housing, however, it is acknowledged that there is some open space provision in the form of the sports pitches and a small area of open space retained within the housing site itself. These pitches should be retained in perpetuity and protected in future from development, particularly as this land is allocated for housing.

2.10 The following conditions should be attached to the application:-

- Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, 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, shrub and wildflower planting and ground preparation noting the species and sizes for all new plant species. All trees to be a minimum 12-14cm girth with approximately 20% of trees supplied as extra heavy standards (18-20cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. 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 8545:2014. 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. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

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

- 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 angled no greater than 45°.

- Provision of hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme. Details to be submitted to the LPA for approval prior to installation of fencing.

- 3 No. bird boxes and 3 No. bat boxes will be installed on dwellings within the site in accordance with the details set out on Landscape Drawing No. c-1744-001 Rev F.

- In order to address the recreational impacts of the scheme on the Northumbria Coast SPA, an appropriate financial contribution will be required towards the delivery of a Coastal Mitigation Service in accordance with the Councils Coastal Mitigation SPD.

- Lighting will be designed to minimise light spill to adjacent habitat areas and will be in accordance with the BCT/Institute of Lighting Engineers Guidance 'Bats and Lighting'

2.11 Environmental Health (Pollution)

2.12 This application for the development is a 32-unit residential scheme comprising of affordable housing at Castle Square, Backworth. Formation of associated new vehicular access onto Killingworth Lane, improvements to the open space within the site boundary. This site is located adjacent to Killingworth Lane. I would be concerned about road traffic noise affecting the part of the site

adjacent to the road and it is recommended that a noise scheme be provided to ensure appropriate sound mitigation measures are incorporated into the design.

2.13 The site layout plan shows that the majority of the housing plots will have gardens to the rear of the property and therefore screened by the building. For those that have gardens with line of sight of the road I would require acoustic screening to be provided. Any fencing will need to be designed as overlapped fencing panels or double boarded to ensure the long term integrity of the fencing if external noise levels do not meet the World Health Organisation community noise guidance level of 50 dB LAeq 16h for outdoor amenity.

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

Prior to development submit and implement on approval of the local Planning Authority a noise scheme, that includes for an assessment of road traffic noise for those properties located to the western boundary of the site adjacent to Killingworth Lane, B1317, providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

Prior to occupation, submit and implement details of the acoustic screening to be provided to garden areas that have line of sight of Killingworth Lane B1317, in writing for approval of the local Planning to be implemented, and thereafter retained.

HOU04

HOU05

SIT03 - In accordance to the agreed details submitted in the dust control plan and site traffic management plan.

2.15 Environmental Health (Contamination)

2.16 Comments:16.01.20

The Phase 2 report states:

None of the CM values for any of the metals and PAHs analytes screened for exceed the CC values for this site.

When considering these results, the made ground below the site does not represent a potential risk to the end users, and therefore, no treatment, removal,

protection measures and / or further detailed contamination risk assessment will be required.

When considering the asbestos recorded in WS02, the ACM's noted appear to be in solid form (i.e. cement bound) and therefore should be removed from site where visually identified. Further quantitative screening has been carried out to assess the quantity of asbestos recorded within the ACM at the location of WS02, the results of the testing has identified concentrations of 18.725% w/w.

Therefore, prior to any site preparation works, it is recommended to screen the made ground from around the location of WS02 and remove the visible fragments of ACM's (i.e. hand pick), protection measures will be required during the initial site strip i.e. controlled wetting, appropriate RPE/PPE and minimum disturbance to materials, in line with current guidance 2016 CL:AIRE guidance; Control of Asbestos Regulations 2012: Interpretation for Managing and Working with Asbestos in Soil and Construction and Demolition Materials (CAR SOIL).

In addition, an observational technique (watching brief) should be applied during the initial site strip, with a suitably qualified asbestos engineer or contractor on hand to provide advice and assistance with identification and verification of any additional ACMs encountered and removed.

However, when considering the depleted levels of Oxygen (i.e. 9.5% v/v), this may be an indication of mine gas generation, as a result gas protection measures may be required for the proposed development. Correspondence with North Tyneside Council should be sought to determine the level of protection required.

Following completion of the remaining 2 no. gas monitoring visits, a final assessment of these results and recommendations will follow as an addendum to this report.

Where visible fragments of asbestos have been removed testing of the impacted area is required to validate to removal and to ensure no asbestos fibres sufficient enough to be considered harmful to human health remain. Submission of report showing this has been carried out

Due to the outstanding gas monitoring Gas 006 must be attached.

2.17 Comments 11.09.20:

Phase 2: Ground Investigation Report 26th November 2019

Page 5

There was no visual and/or olfactory evidence of significant ground contamination (i.e. fuel-derived contaminants, ashy material, etc.) present at any of the exploratory positions undertaken across the site.

However, potential Asbestos Containing Materials (ACMs) were noted within the made ground at the location of WS02.

When considering the asbestos recorded in WS02, the ACM's noted appear to be in solid form (i.e. cement bound) and therefore should be removed from site where visually identified. Further quantitative screening has been carried out to assess the quantity of asbestos recorded within the ACM at the location of WS02, the results of the testing has identified concentrations of 18.725% w/w. Therefore, prior to any site preparation works, it is recommended to screen the made ground from around the location of WS02 and remove the visible fragments of ACM's (i.e. hand pick), protection measures will be required during the initial site strip i.e. controlled wetting, appropriate RPE/PPE and minimum disturbance to materials, in line with current guidance 2016 CL:AIRE guidance; Control of Asbestos Regulations 2012: Interpretation for Managing and Working with Asbestos in Soil and Construction and Demolition Materials (CAR SOIL).

Proof of the hand picking exercise must be submitted. There will be a requirement for testing in the area of WS2 post handpicking to ensure that there are no asbestos fibres remaining in then made ground. A report on the findings is to be submitted to the LPA for approval.

Hazardous Ground Gas Risk Assessment Addendum Report

However, when considering the depleted oxygen levels recorded (i.e. 9.5% v/v), this may be an indication of mine gas generation, as a result gas protection measures may be required for the proposed development.

The site is in an area of known mining and in an area where gas protection measures were required. Gas 006 still stands. I require submission of proposed gas protection measure before I can comment further.

2.18 Local Lead Flood Authority

2.19 I can confirm that in principle I have no concerns over the proposed surface water drainage for the development. The applicant will be attenuating surface water within the site for up to a 1in100yr Rainfall Event including a 40% increase for climate change. The attenuation will be in the form of upsized sewers, an underground storage tank and permeable paving within the private driveways. The surface water from the site will then be discharged into the local sewer network at a restricted discharge rate of 5l/s.

2.20 If we could place the following conditions on the application;

Surface water drainage network to be constructed as per agreed plan.

Details of company appointed to carry out maintenance of drainage features prior to occupancy.

2.21 Representations

2.22 Campaign to Protect Rural England (Northumberland)

Insufficient note was taken, when the Local Plan designated this site (Area 27) as suitable for housing, that local people have for years valued this piece of land as a 'grassed informal recreation area' where children's play and dog walking could go on regularly, and more organised community activities could from time to time be conducted. The photographs in the Design and Access Statement show that the area has considerable visual appeal and eminently deserves protection as

accessible green space. Such a space should not be passed over so readily, especially as a good deal of the Green Belt farmland nearby is predominantly used for arable production.

We are particularly concerned at the objection from Sport England, noting that the space is large enough to accommodate a football pitch (though one has not been marked out in recent years). Retaining this possibility is surely of high potential value for young people in this part of the Borough.

In the end, the need for more and better housing must be balanced against the quality of life offered to North Tynesiders in respect of their immediate environment. The principles enshrined in Local Plan policy S1.2 are especially important to the people of Castle Square and CPRE Northumberland respectfully urge you to come down on the side of protecting the community asset of this open space which will be lost to them if this scheme goes ahead, by recommending refusal of this application.

2.23 Neighbour Representations

205 objections from 164 addresses (with 3No unaddressed responses):

- Not in accordance with development plan.
- Not in accordance with policy.
- An increase for the plan allocation of 14No dwellings.
- Objection to the proposed increase in units to 32 from 28 units shown at developer consultation.
- Precedent will be set.
- Housing to be provided does not outweigh loss of greenspace.
- The site has no history of being brownfield land.
- A significant amount of housing has been built in the area, all of which has provided affordable housing.
- Over development of the Backworth Area.
- Sufficient affordable housing in supply for the local vicinity from existing and proposed developments.
- Residents Council Tax has paid for upkeep and maintenance of green.
- Increase in housing in the surrounding area has led to the roads reaching saturation point.
- Inadequate parking provision.
- Parking is often congested with visitors from outside the area.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- No safe pedestrian access from Killingworth Avenue.
- Traffic congestion.
- Traffic safety.
- Limited existing public transport.
- Construction vehicles and traffic safety.
- Congestion during construction.
- Concerns with existing traffic issues including speeding traffic and traffic collisions.
- Access for emergency vehicles.
- Insufficient infrastructure to accommodate new development.
- Promised infrastructure not delivered.

- Could result in insufficient school places.
- Inadequate drainage.
- Existing flooding.
- Loss of residential amenity.
- Loss of privacy.
- Nuisance – disturbance.
- Nuisance – fumes.
- Nuisance – noise.
- Nuisance – dust/dirt.
- Disruption during construction.
- Worsening air pollution.
- Pollution of water course.
- Increase in litter and mud on public highway.
- Inappropriate materials.
- Loss of visual amenity.
- Out of keeping with the surrounding area.
- Visual Intrusion.
- Impact Conservation Area.
- Impact on Listed Building.
- Impact on outlook from front of dwelling.
- Impact on Landscape
- Apartments/flats are inappropriate for a conservation area.
- Existing small community in danger of being 'swallowed up' by new buildings.
- Loss of playing field.
- Loss of football pitch.
- Loss of amenity space.
- Loss of safe children's play space.
- Loss of community amenity and social space.
- Loss of greenspace.
- No alternative open space/play space.
- Cumulative loss of greenspace, wildlife and habitat.
- Existing playfield would serve nearby approved larger developments.
- Improvements should be made to existing playspace.
- Council say dwellings must have open spaces within 300m of access.
- No consultation with Sports England.
- Land crucial to health and well-being of residents.
- Applicant is contrary to North Tyneside Council's commitment to the improvement of the health and wellbeing of its residents, with the provisions of more Green space and recreational facilities, less pollution and cleaner air.
- The area will have an increased demand for open space and play provision due
- Loss of/adverse impact on wildlife.
- Loss of wildlife habitat.
- Impact on bats.
- Impact on hedgehogs.
- Loss of/damage to trees.
- Tree replanting should be mandatory.
- Retained and replanted trees should be subject to tree preservation order, as should the trees through the village.
- Impact on area of special scientific interest.
- Impact on area of special landscape area.
- Impact on landscape.

- Greenbelt with no special circumstance.
- Contrary to Council's Climate Emergency by appropriating land that is a wildflower meadow.
- Previous house demolished due to mining issues.
- Previous subsidence issues at the site.
- Possible damage to existing housing.
- Additional demand for open space following nearby development and nearby proposed development (i.e. Killingworth Moor).
- Greenfield open space and play park have no history of being brownfield site.
- Local residents concerns and wishes being totally ignored by NTC and Bernicia re consultation meeting 23/10/2019 at Backworth community hall.
- Land grab away from local residents.
- Lack of consultation by the Council.
- Power cuts and low water pressure during previous building works.
- No Local Amenities.
- Improved play facilities should be built.
- Short term benefits of the land sale would not outweigh the long-term costs of health.
- Land should be kept for open space, outdoor activities and play, and not for housing.
- Housing should be supplied through alternative sites (office, barn and industrial estate conversions; or dormant agricultural land) rather develop this site.
- No demand for further housing.
- Local residents committee not consulted.
- Grounds conditions will see unaware buyers' homes collapsing.
- Loss of playing fields could potentially lead to anti-social behaviour.
- Suspicions the housing would not be affordable.
- Loss of the 32No proposed affordable homes is acceptable in the context of the large amount of new housing neat the application site.
- An objector doesn't agree with the comment of affordable housing as 'the new builds already bring the houses in which we live in down'.
- Devaluation of house/property prices.
- Backworth has doubled in size with developments.
- Area is becoming over-populated.
- Would attract less attractive potential buyers due to the modern properties.
- Council has maintained and kept this area as communal/open space for 40 years.
- Residents contributions to Council Tax and a large amount of money has maintained open space.
- Loss of views.
- An application for an increased number of housing will follow an approval.
- The social and environmental impact of Backworth Park is not yet fully understood.
- Residents' concerns from the applicant's consultation exercise are being ignored.
- North Tyneside Council are prepared to sell the land for a pittance.
- Potential concerns over potential occupiers.
- Children's play sites should be given the same status as (S)S.S.I. areas.

2.24 External Consultees

2.25 Sport England

2.26 The plan details the applicant's intention to provide a replacement playing pitch and multi-use games area (MUGA) as replacement for the football pitch that will be lost to development. This is agreed with Sport England following our meeting with the applicant on 7th May 2020.

2.27 Sport England is content that playing field policy would be met by the replacement facilities detailed in the plan broadly complying with exception 4. The application site red edge does not extend to the site of the proposed playing pitch and MUGA and so the applicant has detailed how the replacement facilities would be secured through the relevant heads of terms of a S106 agreement. The detail of the S106 needs to be completed but in principle Sport England is content with the provisions in the draft (reference to a contribution to the LPA for one grass junior football pitch and one multi use games area). Sport England's objection can only be resolved by the signing of the S106 agreement, but in order to signal that we no longer have a substantive issue with the proposal we wish to remove our statutory objection and replace it with a holding objection (pending the completion of the S106).

2.28 The Coal Authority

2.29 The Coal Authority is satisfied with the broad conclusions of the Phase 2: Ground Investigation Report (19-677, 26 November 2019 prepared by Arc Environmental Limited), informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority has no objection to the proposed development.

2.30 Natural England

2.31 No objection subject to appropriate mitigation (including Coastal Mitigation).

2.32 Northumbrian Water

2.33 We would have no issues to raise with the above application, provided the application is approved and carried out in strict accordance with the submitted document entitled "*Flood Risk Assessment and Drainage Strategy*". In this document it states that the foul and surface water flows will discharge to the combined sewer at manhole 5101. With surface water being restricted to 5.5l/sec

2.34 We would 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 within the submitted document entitled "*Flood Risk Assessment and Drainage Strategy*" dated November 2019. The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 5101, with surface water being restricted to 5.5l/sec.

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

2.35 Highways England

2.36 Given that the trip rates and trip generation proposed by iTransport Planning are greater than those produced by Highways England, the trip rates on trip generation proposed are robust and acceptable. However, Highways England would suggest that the trip rate and trip generation information is provided in the main body of the transport statement and not within the appendices.

2.37 Junction assessments

Following an independent trip distribution assessment and given the small number of trips predicted to impact the Killingworth and Holystone A19 junctions, this development site will not have a material impact on the operation of the Strategic Road network. Therefore, no junction capacity assessments are required.

2.38 Travel Plan

Highways England suggests that given the relatively small scale of the proposed development site, a welcome pack is sufficient and a travel plan is not required.

2.39 Construction Traffic Management Plan

Highways England supports the production of a Construction Traffic Management Plan. The inclusion of this for the construction phase of the development is required to ensure the continued safe operation of the strategic Road network during the construction phase of the scheme. should you be mindful to approve the application this should be conditioned.